



CITY OF EDGEWOOD

PLANNING COMMISSION MEETING AGENDA

Monday, March 10, 2025 – 6:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

Virtual Meeting Via Zoom - <https://zoom.us/j/97065969184>

Zoom Meeting ID: 970 6596 9184

1. CALL TO ORDER

- a. Pledge of Allegiance and Roll Call

2. CONSENT AGENDA: *All matters listed under Item 2, Consent Agenda, are considered routine in nature and will be enacted by one motion. Individual discussion of these items is not planned. A member, however, may remove any item to discuss as an item for separate consideration under New Business.*

- a. Agenda Approval or Modification

- b. Meeting Minutes of February 10, 2025

3. CITIZEN COMMENT PERIOD *This portion of the agenda is reserved for the public to comment on items not on the agenda. The Planning Commission may invite additional public comment on agenda items noted for discussion later in the meeting.*

4. DISCUSSION ITEMS

- a. Middle Housing
- b. Accessory Dwelling Unit Code Updates
- c. Parking Standards (SSB 6015 / RCW 36.70A.622)
- d. Land Uses
- e. Hazardous Vegetation / Tree Preservation
- f. Introduction – Impact Fees & SB 5258

5. STAFF COMMENTS

6. COMMISSIONER UPDATES

7. ADJOURN

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.



CITY OF EDGEWOOD

PLANNING COMMISSION MEETING AGENDA SUMMARY

Monday, February 10, 2025 – 6:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1 CALL TO ORDER

a. Pledge of Allegiance and Roll Call

Chair Overfield called the meeting to order at 6pm and led attendees in the Pledge of Allegiance. **Present:** Carly Guillory, JoAnn Overfield, Sarah Wagner, Jan Furey, Leyla Church, Carly Lenoir, Tom Greene (arrived after roll call at 6:09pm) **Staff Present:** Senior Planner Dorner, Community Development Director Metzler, Planning Manager Kubitza

2 CONSENT AGENDA:

a. Agenda Approval or Modification

b. Review Planning Commission meeting minutes from January 13, 2025

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Lenoir **Seconded by:** Commissioner Furey **Motion Passed 6-0**

3 CITIZEN COMMENT PERIOD

There was no citizen comment.

4 PUBLIC HEARINGS

a. Preliminary Docket – Annual Comprehensive Plan Amendments

Chair Overfield read the rules for the public hearing into the record. She then opened the public hearing at 6:03pm. Planning Manager Kubitza spoke briefly about the topic. There were no public comments, and Chair Overfield closed the public hearing at 6:09pm.

5 ACTION ITEMS

a. EMC Title 18 Amendments for Animals

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Furey **Seconded by:** Commissioner Lenoir **Motion Passed 7-0**

b. Preliminary Docket – Annual Comprehensive Plan Amendments

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Lenoir **Seconded by:** Commissioner Church **Motion Passed 7-0**

6 DISCUSSION ITEMS

a. 2025 Work Plan

Commissioners reviewed the Work Plan in preparation for the February 18 joint meeting with the Council.

b. Middle Housing Ordinance Update

Commissioners discussed HB 1110 and the WA Department of Commerce's checklist.

c. Accessory Dwelling Unit Code Updates

Discussion ensued as to the city's requirement to move forward with development code

updates to ensure compliance with RCW's 36.70A.680 and 696.

d. Parking Standards (SSB 6015 / RCW 36.70A.622)

Staff asked commissioners to provide direction on the minimum parking space length requirement, whether minimum parking dimensions should apply to nonresidential development, and if compact parking should apply to residential parking as well.

e. EMC 18.70 Permitted Land Uses Update

Staff requested commissioners review the draft amendments to EMC 18.70.050 and approve the scope of work.

f. Hazardous Vegetation / Tree Preservation Code Amendments

Staff requested the commissioners provide them with feedback on the proposed code amendments, so they could proceed with the formal code amendment process and schedule a public hearing.

7 STAFF COMMENTS

Planning Manager Kubitza spoke.

8 COMMISSIONER UPDATES

There were no commissioner updates

9 ADJOURN

Chair Overfield adjourned the meeting at 9:07pm.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: March 10, 2025

Title: Middle Housing Ordinance Update

Attachments:

1. 2024 Draft Middle Housing Ordinance
2. SF-3 Duplex with ADUs Example

Submitted By: Josh Kubitza, AICP – Planning Manager

Introduction and Background Information:

“Middle housing” is a term for homes at a middle scale between detached single-family houses and large multifamily complexes. Examples include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, courtyard apartments, cottage clusters, and townhomes. These types are typically “house-scale”; meaning that the buildings are about the same size and height as typical detached house.

During the 2023-24 legislative session, [HB 1110 \(2023\)](#) was adopted to implement middle housing across the state. HB 1110 (middle housing bill) directs WA Department of Commerce (Commerce) to provide technical assistance including model ordinances, for implementing the bill. The models are intended to serve as the middle housing ordinance in cities that are unable to adopt regulations within six-months of their next periodic update (June 2025 for City of Edgewood) required under [RCW 36.70A.130](#) and [RCW 36.70A.635\(11\)](#).

Commerce released a new *model* ordinance, new middle housing checklist, and new middle housing user guide in October 2024. As such, some of the information provided in previous Planning Commission meetings, including the *final draft middle house ordinance*, may be obsolete. All updated information is available on the Commerce's [Middle Housing resource webpage](#)¹.

Edgewood is required to comply with the middle housing bill within 6 months of our Comprehensive Plan Periodic Update, which was effective January 1, 2025. Therefore, we need to adopt a middle housing ordinance by June 30, 2025. To assist with meeting this timeline, Edgewood was awarded a grant from Commerce. This grant has certain tasks or items that must be completed by March 2025 and June 2025. These are addressed in the timeline provided in this staff report.

¹ <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-middle-housing/>

Middle Housing Ordinance Update Timeline:

- January 13, 2025: Review Middle Housing Survey Questions
- February 10, 2025: Prepare for a public open house and continue ordinance discussions.
- February 20, 2025: Public Open House (6-8 PM).
- March 10, 2025: Review feedback from the open house and discuss the draft Public Engagement Results Report.
- April 14, 2025: Hold public hearing and discussion.
- May 12, 2025: Final discussions and action on the ordinance.
- May 20, 2025: City Council Study Session introduction and discussion
- June 3, 2025: City Council Study Session discussion
- June 10, 2025: Potential City Council action on the ordinance.

Public Involvement Update:

A Middle Housing Community Survey went live January 31, 2025, and ran until February 28, 2025. As of March 6, the city received 102 survey responses. Please note, staff received some additional responses after the survey closed and decided to include these for commission review. Flyers with a QR code were posted at all city parks, the Mountain View Community Center, local food bank, library, post office, and city hall. Printouts were also made available at City Hall for anyone who preferred to submit a hard copy. See [Middle Housing Survey Results](#) to view the survey results.

Discussion Items:

1. Replace “Density Per Acre” for “Unit Density”

The Planning Commission previously provided staff guidance to use “unit density”. Staff has updated the draft ordinance to reflect this change.

2. Middle Housing Types:

- a. Middle Housing Definition Revision

The Planning Commission previously provided staff guidance to update the middle housing definition to the following:

“Middle housing” means buildings that are compatible in scale, form, and character with single-family houses and contain two attached, stacked, or clustered homes including duplexes, stacked flats, courtyard apartments, and cottage housing.

Staff has updated the draft ordinance to reflect this change.

- b. Accessory Dwelling Units (ADU):

The Planning Commission previously stated that it was their preference that ADUs are not considered middle housing and wouldn’t count toward middle housing unit density.

Planning Commission voiced that they wanted to provide property owners the greatest flexibility but did have concerns regarding compatibility within existing neighborhoods.

As a result, every SF-2, SF-3, MR-1, and MR-2 zoned property would be allowed two principal dwelling units and two accessory dwelling units. After reviewing the Middle Housing Survey results and reviewing the Planning Commission discussion regarding ADU compatibility within the existing residential neighborhood, staff would like the Planning Commission to reconsider if ADUs should be classified as a middle housing type.

Planning Commission voiced that they don't consider existing structures being converted to ADUs to be a negative impact to neighborhood compatibility. However, staff would be unable to regulate the design and placement of ADUs if they are not classified as a middle housing type. Furthermore, the City would have to allow two principal units and two ADUs, for a potential total of four dwellings on every lot in the SF-2, SF-3, MR-1, and MR-2 zoning districts. For example, in the SF-3 zone, which currently allows up to 6 dwellings per acre when including ADUs, would essentially be allowed up to 12 dwellings per acre (including ADUs). An example of how this may look in the SF-3 zone is provided in Attachment 2.

Planning Commission Discussion: Should the SF-2, SF-3, MR-1, and MR-2 allow a lot with two principal dwelling units to also have two additional accessory dwelling units?

3. Residential Design Standards:

The Planning Commission previously stated that the support general design standards for middle housing but didn't want to limit building materials, colors, shapes, etc. The model ordinance includes the following design review items: cottage housing, courtyard apartments, pedestrian access, vehicle access, carports, garages, and driveways, entries, and windows and doors. Since these standards are more visual, staff will create a power point presentation on initial design standard ideas and language and present them at the Planning Commission Meeting.

As provided in the ADU Agenda 4b, the Planning Commission is interested in having ADU design standards to ensure neighborhood compatibility. As stated in the ADU staff report, if the city is apply design standards to ADUs it will need to assign design standards to detached single-family homes. Staff will present this at the Planning Commission meeting, why staff would like them to be incorporated with middle housing, and some initial ideas and language.

Staff Recommendation: Planning Commission to request that staff schedule the Middle Housing Amendments Public Hearing for the April 14, 2025, Planning Commission Meeting.

EXHIBIT A

Chapter 18.20

DEFINITIONS

18.20.040 A definitions.

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“Administrative design review” means a development permit process whereby an application is reviewed, approved, or denied by the community development director or designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. The city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

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18.20.060 C definitions.

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“Cottage housing” means residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

“Courtyard apartments” means up to four attached dwelling units arranged on two or three sides of a yard or court.

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18.20.070 D definitions.

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“Development regulations” means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. ...

“Duplex” means a residential building with two attached dwelling units.

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“Dwelling unit, multifamily” means a dwelling unit contained in a building consisting of three or more dwelling units which may be stacked, or one or more dwellings included in a structure with nonresidential uses.

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18.20.20.090 F definitions.

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“Fiveplex” means a residential building with five attached dwelling units.

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“Fourplex” means a residential building with four attached dwelling units.

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18.20.160 M definitions.

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“Major transit stop” means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes including bus rapid transit route under construction.

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“Middle housing” means buildings that are compatible in scale, form, and character with single-family houses and contain two attached, stocked, or clustered homes including duplexes, stacked flats, courtyard apartments, and cottage housing.

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18.20.220 S definitions.

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“Single-family zones” means those zones where single-family detached residences are the predominant land use.

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“Sixplex” means a residential building with six attached dwelling units.

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“Stacked flat” means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

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18.20.230 T definitions.

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“Townhouses” means buildings that contain three or more attached single-family dwelling units that extend from the foundation to roof and that have a yard or public way on not less than two sides.

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“Triplex” means a residential building with three attached dwelling units.

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18.20.240 U definitions.

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“Unit density” means the number of dwelling units allowed on a lot, regardless of lot size.

Chapter 18.70
PERMITTED LAND USES

18.70.050 Land use table.

Table 1: Land Use Table

Land Use Table	NAICS Code	Single-Family 2	Single-Family 3	Single-Family 5	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
Residential													
✓ – Permitted Use CUP – Use may be approved via CUP – Prohibited Use A – Approval Requires AUP	NAICS Code	SF2	SF3	SF5	MR1	MR2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Accessory													
Accessory Dwelling Unit (ADU)	Special	✓	✓	✓	✓	✓	✓	–	–	–	–	–	See EMC <u>18.90.190</u> for ADU requirements.
Single-Family													
Detached Dwelling	Special	✓	✓	✓	✓	✓	✓	–	–	–	–	–	
Multifamily													
Duplex	Special	✓	✓	✓	✓	✓	✓	–	–	–	–	–	
Cottage Housing	Special	✓	✓	✓	✓	✓	✓						
Courtyard Apartments	Special	✓	✓	✓	✓	✓	✓						
Stacked Flats	Special	✓	✓	✓	✓	✓	✓						
Multi-plex (tri-, four-, five-, six-)	Special	–	–	–	✓	✓	✓	–	–	–	–	–	
Townhouse	Special	–	–	–	✓	✓	✓	✓	✓	–	–	–	
Apartment	Special	–	–	–	–	–	✓	✓	✓	✓	–	–	
Other													
Adult Family Home	623990, part	✓	✓	✓	✓	✓	✓	✓	✓	✓	–	–	In accordance with RCW <u>70.128.010</u> (1), as amended

Nursing and Residential Care Facilities	6231; 6232	–	–	–	–	CUP	✓	✓	✓	✓	–	–	
Assisted Living Facilities	6233	–	–	–	CUP	CUP	✓	✓	✓	✓	–	–	
Live/Work Unit	Special	–	–	–	–	–	✓	✓	✓	✓	–	–	
Permanent Supportive Housing		✓	✓	✓	✓	✓	✓	✓	✓	✓	–	–	
Transitional Housing		✓	✓	✓	✓	✓	✓	✓	✓	✓	–	–	

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Chapter 18.80
LAND USE ZONES

18.80.040 Residential zoning districts (R-1 and R-2)

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C. In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Residential zoning districts:

1. Density. Permitted unit density is two (2) principal housing units per lot.
2. Lot Size. Except for lots subject to the on-site septic system design requirements of the Tacoma – Pierce County Health Department Environmental Health Code, Chapter 2, the minimum net developable lot sizes shall be as follows:

	Minimum
a. R-1 zoning district:	18,500 square feet
b. R-2 zoning district:	12,500 square feet

3. Lot Coverage and Impervious Surfaces. Lot development is subject to stormwater and other requirements and shall not exceed the following standards for lot coverage and impervious surface:

- a. R-1 Zoning District.
 - i. Lot coverage: 25 percent;
 - ii. Effective impervious surface: 35 percent; and
 - iii. Hard surface area: 45 percent.

b. R-2 Zoning District.

- i. Lot coverage: 35 percent;
- ii. Effective impervious surface: 40 percent; and
- iii. Hard surface area: 50 percent.

4. Setbacks. The minimum setbacks shall be as follows:

- a. Front yard/street setback: 25 feet.
- b. Principal arterial or state highway setback: 25 feet.
- c. Rear yard setback: 20 feet.
- d. Interior setback: 8 feet.
- e. Flag lots:
 - i. R-1: 20 feet on all sides.
 - ii. R-2: 10 feet on all sides
- f. Irregular lots: See EMC [18.90.100](#).
- g. Critical areas setback: See EMC [14.10.070](#).

5. Minimum Lot Width and Street Frontage.

6. Height. The maximum building height in the Single-Family zoning districts shall be 35 feet (see EMC 18.90.070, Height standards).

7. Landscaping. Landscaping shall be provided as set forth in EMC 18.90.090, Landscaping, as it applies in their appropriate zones.

8. Parking. Parking shall conform to the requirements of EMC 18.90.130, Parking.

9. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in EMC 18.90.180, Tree preservation.

10. Design. Design features shall be required as set forth in Chapter 18.95 EMC, Design Standards.

11. Signage. Signage shall conform to the requirements of Chapter 18.97 EMC, Sign Code.

18.80.050 Mixed Residential zoning districts.

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C. In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Mixed Residential zoning districts:

1. Density.

b. Non-Multifamily: The permitted unit density is two (2) principal units per lot.

b. Multifamily: The permitted density is the maximum number of principal dwelling units allowed per net buildable acre (dua), calculated per EMC 18.90.040, and shall be as follows:

i. MR-1 zoning district: four (4) dua.

ii. MR-2 zoning district: eight (8) dua.

4. Setbacks.

a. MR-1 and MR-2 Zoning Districts.

i. Front yard/street setback: 15 feet.

ii. Garage setback: 20 feet from a front line/street.

iii. Principal arterial and state highway setback: 25 feet.

iv. Rear yard setback, without an alley: 10 feet.

- v. Rear yard setback, with an alley: Zero feet.
- vi. Rear garage setback to an alley: three feet.
- vii. Interior setback: zero feet.
- vii. Flag lots: 10 feet on all sides.
- viii. Irregular lots: see EMC [18.90.100](#).
- ix. Critical areas setback: see EMC [14.10.070](#).

5. Street Frontage. All lots abutting public streets shall have a minimum street frontage of 50 feet, except flag and irregularly shaped lots addressed by EMC [18.90.100](#), Lot standards. In the MR-2 zone, this may be reduced to 20 feet for lots accessing from a shared access or driveway with parking behind the building and not visible from the street, including garages or other parking structures.

6. Height. The maximum building height in the Mixed Residential zoning districts shall be 35 feet (see EMC 18.90.070, Height standards).

7. Landscaping. Landscaping shall be provided as set forth in EMC 18.90.090, Landscaping, as it applies in their appropriate zones.

8. Parking. Parking shall conform to the requirements of EMC 18.90.130, Parking.

9. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in EMC 18.90.180, Tree preservation.

10. Design. Design features shall be required as set forth in Chapter 18.95 EMC, Design Standards.

11. Signage. Signage shall conform to the requirements of Chapter 18.97 EMC, Sign Code.

Chapter 18.90

DEVELOPMENT STANDARDS – CITYWIDE APPLICABILITY

18.90.040 Density standards.

A. Maximum density shall be based on the total area of a lot minus any critical areas and associated buffers for all zones.

18.90.070 Height standards.

A. For the R-1 and R-2 zones, building height is determined as the vertical distance from the average final grade of a building footprint to the highest point of the structure; except, where a structure is proposed on fill material, final height shall be determined from the existing grade (See Figures 2 and 3).

B. For I, BP, C, TC, MUR, MR-1 and MR-2, building height is determined as the vertical distance from the curb level, or the equivalent final grade of a building site at the front of the building to the highest point of the underside of the ceiling. In the case of a flat roof; to the deck side of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

C. Height standards shall not apply to religious assembly spires, belfries, and domes; chimneys, household antennas, ventilation stacks, or similar appurtenances that are required to be placed above the roof level.

D. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm. Net fences, such as those used on golf courses and/or driving ranges, shall not be higher than the maximum building height allowed by the zoning district and shall meet the setbacks required for structures.

E. Flagpoles shall not exceed the maximum building height allowed by the zoning district from the average grade. All such poles shall be placed so as to neither obstruct nor obscure adjacent property owners' lines of vision. Such poles shall not display more than three flags at any one time.

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Chapter 18.95

DESIGN STANDARDS

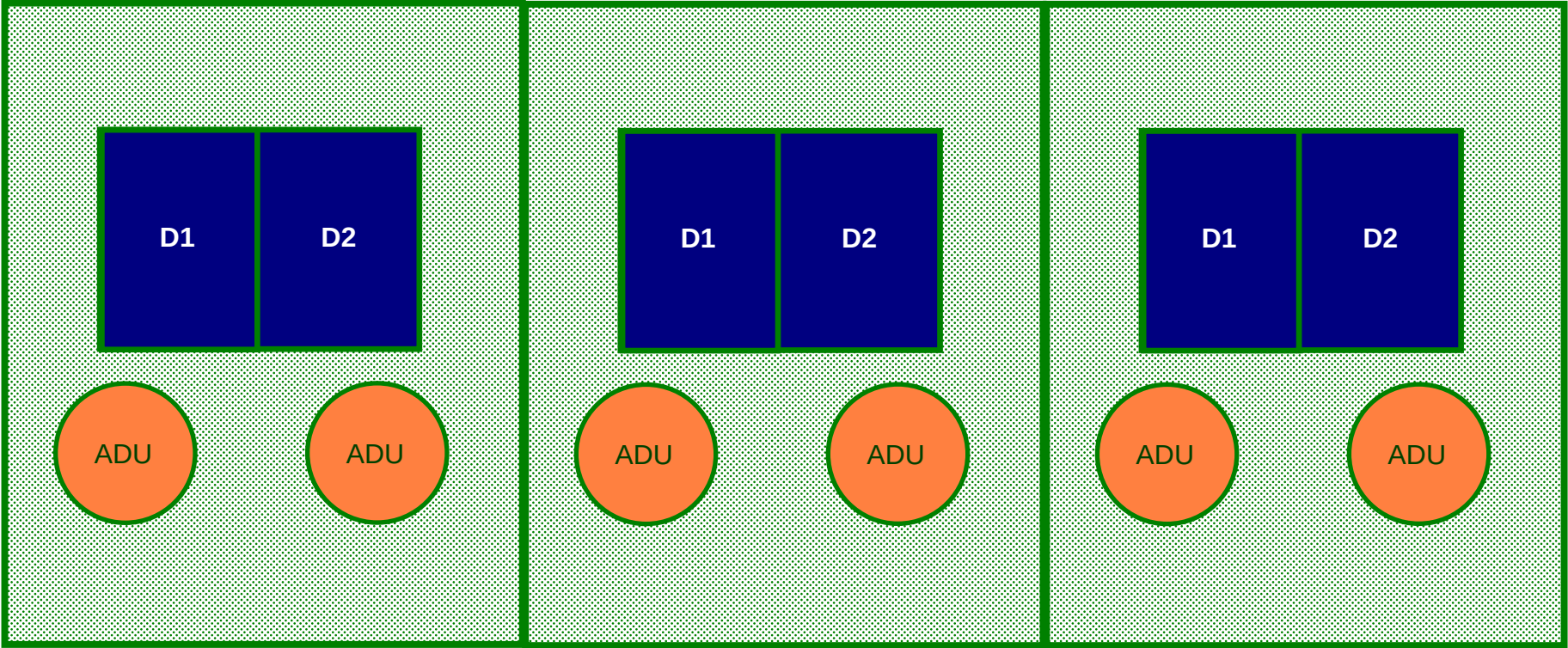
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TO BE DISCUSSED WITH PLANNING COMMISSION

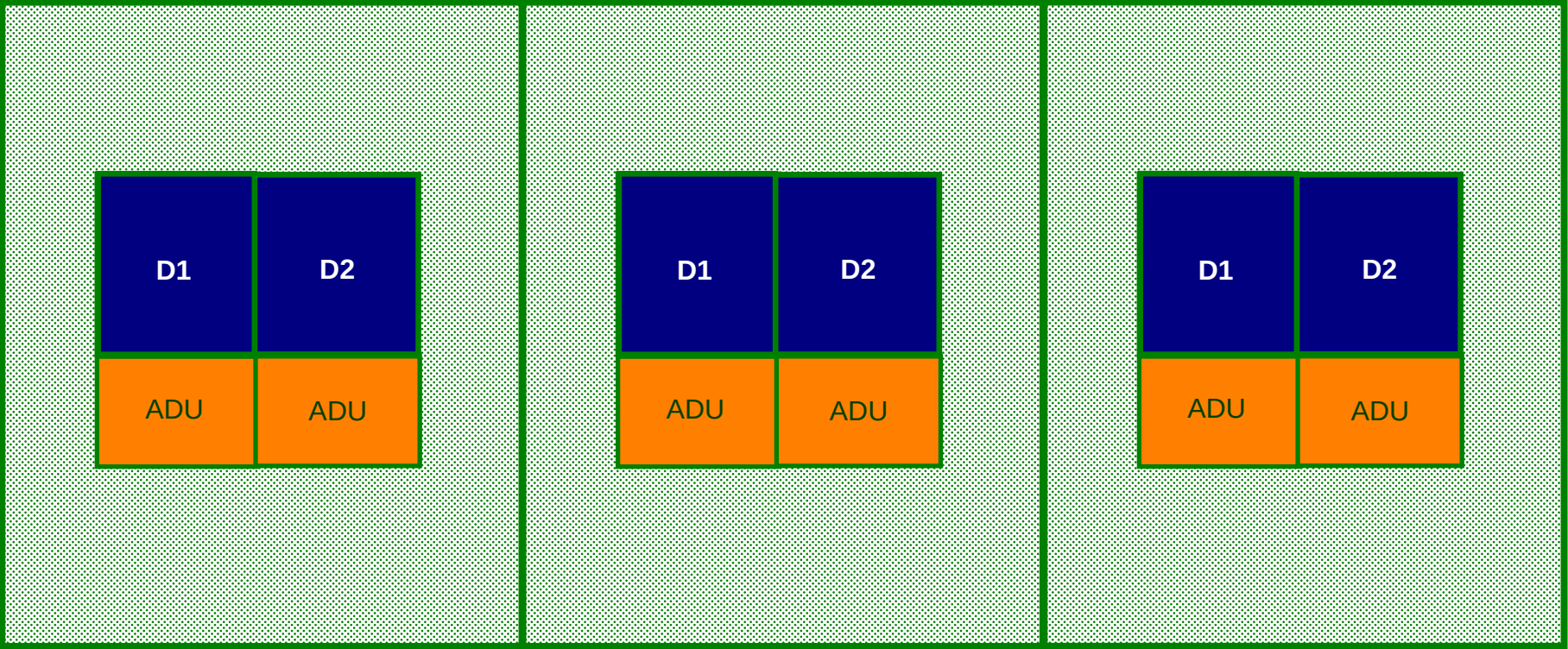
Duplex with Accessory Dwelling Units (ADUs)

Single Family Moderate (SF-3) Zoning District
Minimum Lot Size: 12,500 square feet
Maximum Lot Coverage: 35%

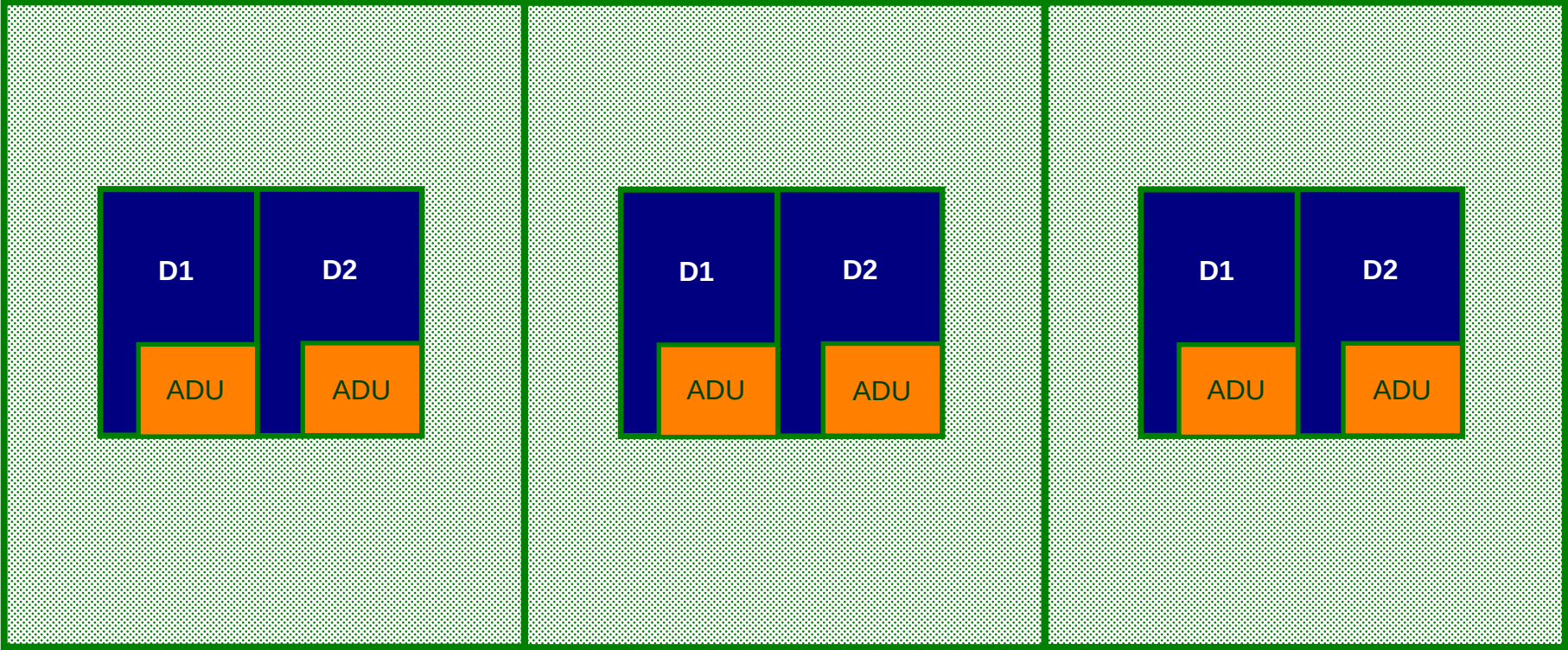
Duplex with Detached ADU



Duplex with Attached ADU



Duplex with Attached ADU (same as primary footprint, such as a basement to ADU conversion)





CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: March 10, 2025

Title: Accessory Dwelling Unit Code Updates

Attachments: Draft Code Amendments

Submitted By: Josh Kubitza, AICP – Planning Manager

Introduction and Background Information:

The 2023 Washington State Legislature adopted [House Bill 1337](#) (HB 1337 / ADU bill), which is codified under RCW's 36.70A.680, .681, and .696, to regulate accessory dwelling units (ADUs). While the effective date of the ADU bill was July 23, 2023, jurisdictions are required to adopt the corresponding ADU regulations by their next periodic update and/or development regulations.

The city's updated comprehensive plan went into effect on January 1, 2025, making the required development regulation updates due by June 30, 2025. As such, the city needs to move forward with development code updates to ensure compliance with RCW's 36.70A.680, .681, and .696.

The Washington State Department of Commerce (Commerce) has provided guidance on ADU regulations, including an ADU checklist: [ADU Guidance](#) and [ADU Checklist](#).

Previous Discussion:

Planning Commission Meeting (February 10, 2025): Staff presented the ADU bill requirements and requested Planning Commission guidance and input on specific local policy choices. The Planning Commission did not provide additional comments or guidance regarding ADUs per lot, owner occupancy requirements, impact fees, or other exactions. There was a brief discussion regarding ADU condominiums, but the Planning Commission did not request changes or additional information from staff. Planning Commission provided guidance on off-street parking, maximum ADU size, and design standards.

Current Discussion Items:

Staff has prepared code amendments for Planning Commission's review which incorporates the guidance and discussion from the February 10, 2025, Planning Commission Meeting. The following are the items that had additional requests or comments:

1. Off-Street Parking Requirements

Planning Commission stated that they thought the current parking requirement of one (1) parking space per ADU was working. As such, Staff is proposing no changes to the parking standard.

2. Maximum ADU Size Limits

Introduction: The ADU bill requires cities to allow ADU's with a gross floor area of at least 1,000 square feet.

Currently, the city limits ADUs to no greater than 1,200 square feet or 80% of the primary residence's size, whichever is less. The "whichever is less" language may cause issues if the primary residence is smaller than 1,200 square feet, as it could require the ADU to be smaller than 1,000 square feet. As such, revisions to the maximum ADU size language will be required.

Previous Discussion: Planning Commission requested example language and examples.

Staff Response: The following table provides potential maximum ADU size based on the principal residence size.

Principal residence Size	ADU Size Limitation Percentage	Maximum Allowed ADU Size (for each ADU)
2,500 sq. ft.	100%	2,500 sq. ft.
	80%	2,000 sq. ft.
	60%	1,500 sq. ft.
2,000 sq. ft.	100%	2,000 sq. ft.
	80%	1,600 sq. ft.
	60%	1,200 sq. ft.
1,500 sq. ft.	100%	1,500 sq. ft.
	80%	1,200 sq. ft.
	60%	1,000 sq. ft.

Staff has drafted the following code language for determinizing maximum ADU size as a starting point to the conversation:

The total habitable floor area of an ADU shall be no greater than 1,000 square feet or no more than 80% percent of the principal primary residence's size **total habitable floor area**, whichever is greater.

Planning Commission Discussion: Staff is requesting guidance on whether the 1,000 square foot or 80% percent number should be revised, and if so, what they should be revised to.

3. ADU Development Standards

Introduction: The ADU bill requires cities to not impose more restrict requirements for ADUs than for principal units, including setback requirements, yard coverage limits, tree retention mandates,

restrictions on entry door locations, aesthetic requirements, or design review requirement. Additionally, ADU height of at least twenty-four (24) feet be allowed.

Currently, the city requires ADUs to meet the same building setback and other bulk development standards, including building height, as the principal unit. The city also has minimal design requirements to ensure that the ADU is architecturally consistent with the principal unit. Based on the ADU bill, these design review standards will need to be removed unless they also apply to the principal unit.

Previous Discussion: Planning Commission provided guidance that they would like to see some design standards that are not too restrictive to ensure that the building was compatible within the existing neighborhood.

Staff Response: Per the ADU Bill, a city may not impose restrictions on entry door locations, aesthetic requirements, or design review for ADUs that are more restrictive than those for principal units. Due to the public input regarding middle housing and the inability for the city to control if a property builds two detached ADUs, staff is recommending that ADUs have administrative design review with flexible design standards. As such, staff is also recommending that these same standards apply to detached single-family residences (aka, principal units).

The draft middle housing code update includes the potential design standards that would apply to ADUs and detached single-family units.

Staff will initially discuss this topic with Agenda 4a Middle Housing.

Planning Commission Discussion: Staff is requesting guidance on whether or not the Planning Commission wants ADU and detached single-family units to be subject to minor design review and, if yes, if there are any comments or guidance on what those design standards should be.

Staff Recommendation: Planning Commission to request that staff schedule the ADU Amendments Public Hearing for the April 14, 2025, Planning Commission Meeting.

EXHIBIT A**18.90.190 Accessory dwelling units.**

A. Purpose. The purpose of these regulations is to ensure consistency with the City of Edgewood Comprehensive plan goals and policies for land use, housing, transportation, and the environment. This includes but is not limited to: ensuring that new housing development supports City and regional growth plans to allow for adequate housing supply; encouraging housing design that provides quality living and community spaces that enhance neighborhood livability; and to promote a mix of housing types and diversity of housing units to meet the needs of current and future residents.

B. Intent. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide additional income opportunities, and provide flexible options for property owners, renters, families, those aging in place, and changing lifestyles of all economic segments of the community. ADUs are intended to be in harmony with existing neighborhoods patterns while meeting personal property needs and ensuring that residential units are of sound quality. This should occur by utilizing the existing infrastructure and community resources throughout the city while protecting the existing character of residential neighborhoods.

C. Middle Housing. Pursuant to RCW 36.70A.635(5), the city considers ADUs a middle housing type.

D. Procedures. Any landowner seeking to establish an ADU shall apply for and obtain approval in accordance with the following procedures:

1. Application. The applicant shall apply for a building permit for an ADU.
2. Application Review. An ADU building permit is a Process I administrative approval as prescribed in EMC 18.40.080.
3. Preexisting Accessory Dwelling Units. Preexisting accessory dwelling units, established without city approval prior to the enactment of this code section, may obtain legal status using the same standards and procedures for a new ADU. After approval, the landowner must provide title notification establishing that the ADU was legally constructed.
4. Business License. If the ADU shall be made available for rental occupancy, the landowner shall obtain a business license for such rental pursuant to Chapter 5.05 EMC.

E. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. Two (2) ADUs are allowed per lot of record that contain fewer than, except for lots with two middle housing units. ADUs are not counted in density calculations pursuant to EMC 18.90.040.
2. Type of unit. Where allowed, ADUs shall be permitted as attached, detached, or some combination thereof, to the principal residence.
3. Size. The total habitable floor area of an ADU shall be no greater than 1,000 square feet or no more than 80% of the principal residence's total habitable floor area, whichever is greater. Habitable space is considered rooms of the structure that are spent living, sleeping, eating, and/or cooking.
4. Location. ADUs shall comply with the zoning district minimum setback standards. The following are exempt from this standard:
 - a. ADU conversions of existing legal non-conforming accessory structures.
 - b. Detached ADUs may be placed on the property line abutting a public alley so long as it is situated outside the front yard setbacks.

5. Height. For detached ADUs, the building height of the ADU shall not be greater than the principal dwelling's building height or 24 feet, whichever is greater.

6. Design. ADUs shall be subject to the design standard provided in **EMC 18.95.XXX (MIDDLE HOUSING Design Ordinance)**. The review of these standards is a Process 1 administrative approval that is completed concurrently with the ADU building permit.

7. Permanent foundation. An ADU shall have a permanent foundation.

8. Utilities. An ADU must be served by an approved potable water system and sanitary sewer or on-site septic system, and other utilities as required.

9. Parking. ADUs shall provide parking per EMC 18.90.130, Parking.

10. Home Occupation. ADUs may be used for business purposes, subject to EMC 18.100.

11. Administrative Deviations. Deviations provided below is a Process 1 administrative approval that is completed concurrently with the ADU building permit.

a. When the development of an ADU or ADU conversion is for people with disabilities, the Director or Designee may allow reasonable deviation from stated requirements to install features that facilitate accessibility.

b. The Director or Designee may allow the conversion of a legal existing structure to an ADU, with no expansions, to be exempt from compliance with development standards for setbacks, height, lot coverage, and impervious coverage. c. The Director or Designee may allow an equal footage for the principal residence and the ADU if the ADU is located completely on a single floor of an existing residence. This exemption does not apply to detached ADUs.

F. Prohibition. ADUs that have not been approved pursuant to this section are prohibited.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: March 10, 2025

Title: Parking Standards (SSB 6015 / RCW 36.70A.622)

Attachments:

1. EMC 18.90.130 Parking Update Clean Version
2. Residential Parking update Consistency Checklist

Submitted By: Josh Kubitza, AICP – Planning Manager

Introduction and Background Information:

The 2024 Washington State Legislature adopted [Substitute Senate Bill 6015](#) (SB 6015) (Residential Parking Bill), and codified under RCW 36.70A.622, to regulate residential parking regulations. While the SB 6015 effective date is June 6, 2024, Washington State Department of Commerce (Commerce) guidance (see attachment) states that cities must adopt the residential parking regulations by their next periodic update and/or development regulations. The city's comprehensive plan went into effect on January 1, 2025, making the required development regulation updates due by June 30, 2025. As such, the city needs to move forward with development code updates to ensure compliance with RCW 36.70A.622.

Summary of the Required Residential Parking Changes:

- Minimum residential parking dimensions be no greater than eight (8) feet by twenty (20) feet.
- Allow tandem parking spaces
- Allow required parking spaces to be enclosed or unenclosed
- Allow required parking spaces to be paved with grass block pavers
- Allow up to six parking spaces in legally nonconforming gravel parking areas to be allowed to count toward minimum parking requirements
- Not require minimum parking spaces if compliance with tree retention would otherwise make a residential development infeasible.

Note on Commerce Guidance: Commerce provided updated [guidance](#) in January 2025.

Previous Discussion:

Planning Commission Meeting (February 10, 2025): Staff presented the Residential Parking Bill requirements and requested Planning Commission guidance and input on specific local policy choices. The Planning Commission wanted to see draft residential and nonresidential parking standards and draft criteria that would use to determine if residential parking is infeasible due to tree retention requirements. The

Planning Commission did not provide additional comments or guidance on compact parking length or tandem parking.

Current Discussion Items:

Staff has prepared code amendments for Planning Commission's review which incorporates the guidance and discussion from the February 10, 2025, Planning Commission Meeting. The following are the items that had additional requests or comments:

1. Minimum Parking Stall Dimensions: Staff is recommending provision of separate residential and non-residential parking dimensions. The residential parking dimensions match the state requirements. The non-residential parking dimensions match the City's currently codified parking dimension requirements.
2. Residential Parking Infeasibility due to Tree Retention Requirements:

Introduction: The residential parking bill requires that residential and residential portions of mixed-use developments be exempt from minimum parking standards if compliance with tree preservation (EMC 18.90.180 Tree Preservation) would make the proposed development infeasible. In general, this means tree retention standards will supersede off-street parking requirements for residential development. The residential parking bill does not provide an option for partially reducing the number of parking or requiring off-site parking.

Commerce recommends that jurisdictions should codify specific feasibility criteria for evaluating such requests.

Previous Discussion: The Planning Commission requested draft language to review.

Staff Response: The draft amendments (Attachment 1) provide the draft criteria for determine when a residential development is exempt from all parking requirements.

Planning Commission Discussion: Does the Planning Commission have any comments regarding the proposed parking waiver criteria?

Staff Recommendation: Planning Commission to request that staff schedule the Residential Parking Amendments Public Hearing for the April 14, 2025 Planning Commission Meeting.

18.90.130 Parking.

A. The purpose of this section is to regulate parking and loading activities in order to improve traffic circulation and contribute to the public health, safety, general welfare and aesthetics of the city of Edgewood by providing areas for the maneuvering and parking of vehicles. Furthermore, it is the intent of this section to allow the provision of vehicle parking to meet the needs of urban development, but not an excess surplus of spaces, and to promote more efficient use of the city's transportation facilities by encouraging the movement of people from place to place via alternative modes of transportation to the single occupancy vehicle.

B. Applicability:

1. This section is applicable to all new developments and all alterations and additions to, or expansion of, existing developments in the city of Edgewood.
2. Where any structure is enlarged, expanded, erected, undergoes a major exterior remodel, or undergoes a change in use, vehicle parking spaces shall be provided for said change in accordance with this section.

C. Parking Standards.

1. Surfacing.

a. All areas used for parking, maneuvering, circulation, pedestrian access, and loading or unloading shall be paved with asphalt or concrete (either conventional or permeable). Pervious alternative materials that meet LID standards (e.g., pervious asphalt, grass block pavers, etc.) shall be used to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM). Single-family homes, ADU's, and Middle Housing uses are exempt from this requirement, provided the facility is surfaced with no less than three inches of crushed gravel and is maintained in a dust free condition.

b. For residential uses only, existing legally nonconforming gravel surfaces designated for vehicle parking may be used to meet these parking standards, up to a maximum of six parking spaces.

2. Location of Required Parking.

a. On the same site as the use necessitating such parking; or

b. Within a 300-foot walking distance measured from the nearest point of the parking facility to the nearest point of the building that such parking is required to serve, located either on private property or within public right-of-way, subject to approval of an agreement by the Director which assures that any private property where the required parking is located is owned or leased by the owner or lessee of the lot or parcels containing the building or uses to be served and which assures the property will be maintained in parking lot use in conformance with this chapter as long as the building or use that it serves is continued. The agreement may be executed through covenants, conditions and restrictions (CC&Rs). The Director shall not approve such an agreement unless he finds that the proposed parking area will adequately serve the parking needs for which it is intended without adversely affecting neighboring properties or the use of other public and private parking facilities in the vicinity. An approved agreement shall be recorded by the applicant with the Pierce County auditor and a conformed copy shall be provided prior to issuance of any building permits for a proposed project.

3. Minimum Parking Stall Dimension Standards.

a. Residential Use Standards: The parking stall dimensions shall have a minimum width of eight (8) feet and a minimum length of eighteen (18) feet.

b. Non-residential Use Standards: A standard parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Compact stalls shall have a minimum width of eight (8) feet and a minimum length of fifteen (15) feet. Up to 50 percent of the required parking for a non-residential development may consist of compact stalls.

c. Mixed-Use Dimension Standards: In mixed-use projects, the residential parking spaces shall comply with residential standards. All other parking shall comply with non-residential parking standards.

d. These minimum standards are exclusive of any state- and/or federally-required accessible parking stalls.

4. Parking Drive Aisle Dimensions.

a. Two-way drive aisles shall have a minimum width of 24 feet where providing access to spaces at a 90-degree angle to the drive aisle, and 20 feet where spaces are at angles of 70 degrees or less to the drive aisle. One-way drive aisles shall have a minimum width of 20 feet where providing access to spaces at a 90-degree angle to the drive aisle. Where spaces are at angles of 70 degrees or less to the drive aisle, the following standards shall apply:

Parking Angle	Minimum One-Way Aisle Width
50 degrees or less	15'
55	16'
60	17'
65	18'
70	19'

b. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of 14 feet for their entire length and width, but such clearance may be reduced in parking structures.

5. Tandem Parking. For residential uses only, parking spaces in tandem must count towards meeting minimum vehicle parking requirements at a rate of one space for every eighteen (18) linear feet, with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, with one or more in front of or behind the others with a single means of ingress and egress.

6. Wheel stops. A minimum of two feet from any obstruction or the end of the parking stall, wheel stops shall be required in the following locations:

- a. Where the parking stall abuts a building or where vehicles may overhang a property line;
- b. Where the parking stall abuts a raised pedestrian walkway of less than eight feet in width;
- c. Where a parking stall abuts any physical object that may be impacted, such as light standards, fire hydrants, fences, power vaults, utility poles, etc.;
- d. Where a hazardous grade difference exists between the parking area and the abutting property;
- e. Where the parking stall abuts an LID system;
- f. Where hazardous situations may exist as determined by the community development director or designee.

7. Parking areas shall meet the applicable landscaping requirements of EMC 18.90 and EMC 18.95.

D. Parking plans. Except for applications subject to EMC Title 16, site plans indicating how the parking and loading area requirements described in this section must be provided upon request by the Director or designee with the accompanying land use or development application where vehicle parking areas of more than 24 parking stalls are required. The plan shall show all those elements necessary to indicate that these requirements will be fulfilled including but not limited to:

1. Location and dimensions of LID systems (if applicable);
2. Delineation and dimensions of individual parking spaces, both regular and compact spaces, and loading and unloading areas;
3. Dimensions of circulation and maneuvering areas necessary to serve spaces;
4. Access to streets, alleys, and properties served;
5. Curb cuts and curb placement;
6. Dimensions, continuity and substance of landscaping and screening;
7. Grading, drainage, surfacing and subgrading details;
8. Delineation of all structures or other obstacles to parking, circulation and visual clearance on the site;

E. **Parking Study Requirements.** This study will contain a recommendation of effective parking management strategies to improve traffic circulation and contribute to the public health, safety, general welfare and aesthetics of the city of Edgewood by providing sufficient on-site areas for the maneuvering and parking of motor vehicles. This study shall have all the elements necessary to indicate that parking needs have been mitigated including, and not limited to:

1. Existing parking conditions.
2. Parking supply.
3. Parking utilization data.
4. Parking demand.
5. Parking capacity.
6. Average parking duration.
7. Other jurisdictions' parking policies.
8. Comparison of minimum parking requirements.

F. **Residential Parking Infeasibility due to Tree Retention.** Residential uses (including residential portions of mixed-use developments) are exempt from the minimum parking standards if compliance with tree preservation (EMC 18.90.180 Tree Preservation) would make the proposed development infeasible.

1. **Application:** Submit a Residential Development Minimum Parking Waiver Request.
2. **Process:** Type I procedure that is concurrent with underlying permit.
3. **Application Materials:**
 - a. A site plan depicting the jurisdiction's requirements for:
 - i. Location of buildings and dwelling units, required setbacks, required open spaces, and other features.
 - ii. Trees that are required for retention.
 - iii. The location of minimum required parking spaces, maneuvering areas, and driveways.
 - iv. The location of protected critical areas and required buffers, if applicable.

- b. A narrative demonstrating site conditions and applicable parking and tree retention standards that impact feasibility.
- c. A site-specific parking study.
- d. Any other evidence and supporting information the applicant wishes to provide to help the jurisdiction analyze the waiver request.

4. Decision Criteria. The Director may grant the waiver request if it is shown that:

- a. All appropriate parking reductions and credits have been incorporated to the greatest extent possible.
- b. The number and/or size of dwelling units would be reduced below the level required to generate a positive return on investment or meet the minimum density requirements in the zone.
- c. The cost of paying into the city's tree replacement fee-in-lieu program would prevent a positive return on investment for the project.
- e. The residential parking exemption does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies; and
- f. The residential parking exemption does not constitute a threat to the public health, safety and general welfare within the city.

G. Off-Street Loading Facilities.

- 1. Any building occupied by manufacturing, storage, retail/wholesale stores, hospitals, and other uses similarly requiring the receipt of or distribution of bulk materials and merchandise shall provide loading spaces as follows:
 - a. Two hundred fifty square feet for buildings of 5,000 to 20,000 gross square feet.
 - b. Five hundred square feet for buildings of 20,000 to 30,000 gross square feet.
 - c. Additional loading space shall be required of buildings based on the size, proposed use, potential uses, and location as deemed necessary by the community development director or designee.
- 2. Each loading space shall measure not less than 25 feet long by 10 feet wide, and shall have an unobstructed height of 14 feet.
- 3. Each loading space shall be made permanently available for such purpose, and shall be surfaced, improved, maintained, and screened in accordance with this section and EMC 18.90.090, Landscaping.
- 4. Loading spaces shall be located adjacent to the building to be served thereby in such a way that trucks in these spaces shall not encroach upon or interfere with areas reserved for vehicle parking nor project into any public right-of-way or interior pedestrian area. Loading spaces shall be in addition to required vehicle parking spaces.
- 5. Loading berths shall be located not closer than 50 feet to any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or solid fence not less than six feet in height and Type V, solid barrier landscaping.
- 6. Space for loading berths may occupy all or any part of any required setback except for landscaping setback requirements as long as the loading berth is uncovered. A covered loading area shall comply with the minimum building setback requirements for the district.
- 7. If the site upon which such loading space or spaces is to be located abuts upon an alley, such loading space or spaces shall be off-alley, unless alley dimensions and vehicle maneuvering turn radius prohibits such access.

8. Buildings that utilize dock-high loading doors shall provide a minimum of 100 feet of clear maneuvering area in front of each door. Buildings that utilize ground level service or loading doors shall provide a minimum of 45 feet of clear maneuvering area in front of each door.

H. Use- and Site-Specific Standards.

1. Drive-up Windows. All establishments and businesses which maintain drive-up windows, which are intended to serve customers who remain in their motor vehicles during the business transactions or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles as follows:

- a. The drive-up window shall be so located that sufficient stacking space is provided for the handling of motor vehicles using such facility during peak business hours of such a facility.
- b. Entrances and exits shall not be so located as to cause congestion in any public right-of-way.
- c. When located in a shopping center, drive-through facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

2. Transit Support Facilities.

- a. For developments that generate a parking demand of greater than 24 parking spaces, the developer shall fund the purchase and installation of one or more transit shelters and/or other related transit support facilities as determined by Pierce Transit operational criteria, based on the size and nature of the use.
- b. When a transit shelter is not required to be installed, transit stops shall include design features or changes in materials that demarcate the stop. A bench is to be provided at a bus stop where at least five transit riders are expected to board buses on an average weekday, and a shelter is to be provided at a bus stop where at least 10 transit riders are expected to board buses on an average weekday.
- c. Any residential use with 50 to 100 units proposed on a street where regularly scheduled transit service is provided shall be required to provide a concrete pad adjacent to the sidewalk and a transit shelter with all required transit support facilities. The required "concrete pad" must utilize appropriate material(s) as agreed with the transit service provider.
- d. Any residential use with over 100 units that will be located on a street where regularly scheduled transit service is provided shall be required to provide two concrete pads adjacent to the sidewalk and two transit shelters with all required transit support facilities. The required "concrete pad" must utilize appropriate material(s) as agreed with the transit service provider.
- e. Transit facilities shall be sited in accordance with the requirements of the appropriate transit agency and this title. Transit shelters and related facilities shall be provided for transit stops that are located adjacent to or within 600 feet of the development site on each side of the street that has a transit route. This requirement may be waived when the appropriate transit agency has determined that current and projected ridership do not warrant the installation of a shelter within the 600-foot distance.
- f. When a transit shelter is required to be installed, seating, garbage receptacles, and lighting shall also be provided.

3. Loading and unloading children. One-way driveways with a continuous forward flow design shall be provided for this purpose on school and daycare sites which have a capacity greater than 50 children.

I. Shared Parking Facilities. Joint use of required parking spaces may be permitted where two or more uses on the same site or separate sites in close proximity are able to share the same parking spaces because their parking usage does not materially overlap (e.g., uses primarily of a daytime vs. nighttime or weekday vs. weekend nature). Shared parking shall be legally encumbered and shall meet all of the applicable standards of this section. Joint use of

required nonresidential parking spaces may be authorized by the Director or designee if the following documentation is submitted in writing to the community development department:

1. The names and addresses of the owners and/or tenants that are sharing the parking;
2. The uses that are involved in the shared parking;
3. The location and number of parking spaces that are being shared:
 - a. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - b. A legal instrument such as an easement or deed restriction that guarantees continuing access to the parking for both uses subject to the review and approval by the city attorney.

J. Parking Space Standards by Land Use.

1. The requirements for any use not listed herein shall be determined by the director or designee based upon the requirements for the most comparable use specified in this section. When the most comparable use is not apparent, the director or designee shall determine the minimum and maximum for the unlisted use. The director or designee may require that the applicant conduct a parking study to evaluate the parking needs associated with a proposed use.
2. The parking requirement for any accessory office space shall be calculated at the rate of one parking space for each 250 gsf of office use.

3. One parking space shall be required for each commercial vehicle that originates from the site or is regularly present on the site.

4. Unit of Measurement.

- a. The size of a development and the proposed use type determine the minimum number of required parking spaces. Unless otherwise specified, the number of parking requirements is based on the gross square footage (gsf) of the building.
- b. Where stationary, nonmovable seating is used by patrons or spectators in places of assembly, each 20 inches of width shall count as one seat for the purpose of determining requirements of vehicle parking facilities under this section
- c. The number of employee spaces required shall be based on the maximum number of employees who may be on-site at any one time.

5. Since a fraction of a parking space cannot be provided, parking calculations from Table 1, Minimum Parking Requirements, shall be rounded up to the nearest whole number.

6. Maximum Parking Requirements. Parking for a specific use in zones covered by this section shall be limited to no more than 50 percent greater than the minimum parking requirement.

7. The director shall have the authority to reduce, eliminate, or increase the maximum parking required based on a site-specific parking study demonstrating lower or increased parking demand.

Table 1: Minimum Parking Requirements

Residential

<i>Accessory</i>	
Accessory Dwelling Unit (ADU)	One per dwelling unit ¹
<i>Single-Family</i>	
Detached Dwelling	Two per dwelling unit
<i>Middle Housing</i>	
Duplex	One per dwelling unit ¹
Stacked Flat	One per dwelling unit ¹
Cottage Housing	One per dwelling unit ¹
Courtyard Apartments	One per dwelling unit ¹
<i>Multifamily</i>	
Multi-Plex	1.5 per dwelling unit
Townhouse	1.5 per dwelling unit
Apartment	1.5 per dwelling unit
<i>Other</i>	
Adult Family Home	One per three beds plus one per employee
Nursing and Residential Care Facilities	One per four beds
Assisted Living Facilities	One per three beds plus one per employee
Live/Work Unit	One per business use in addition to the residential use
Agriculture and Resource	
Family Farm	Parking study required
Agricultural Sales	One per 300 gross square feet
<i>Crop Production</i>	
Marijuana Production	Parking study required
Crop Production, All Other	Parking study required
<i>Animal Production and Aquaculture</i>	
Hog and Pig Farming	Parking study required
Cattle Feedlots	Parking study required
Animal Production and Aquaculture, All Other	Parking study required
Mining, Quarrying, and Oil and Gas Extraction	Parking study required
Utilities	
Electric Power Generation	NA

Potable Water Treatment	Parking study required
Sewage Collection or Treatment Facility	NA
Wireless Communication Facilities	Parking study required
Manufacturing	
Animal Slaughtering and Processing	Parking study required
Marijuana Processing	See city Ordinance Nos. 11-0356, 13-0410, 14-0425, and/or 17-0502
Manufacturing, Craft (special)	One per 1,000 gross square feet
Manufacturing, Light	One per 1,000 gross square feet
Manufacturing, Heavy	One per 1,000 gross square feet
Wholesale and Retail Trade	
Wholesale Trade	Three per 1,000 square feet
Retail Trade	
Automobile and Other Motor Vehicle Dealers	One space per 500 square feet of sales area, or one space per 1,000 square feet of lot area, whichever is greater
Gasoline Stations	0.75 per fueling station multiple product dispenser
Pet and Pet Supplies Stores	One per 300 gross square feet
Fuel Dealers	One per 750 gross square feet of building devoted to maintenance
Marijuana Retailers	See city Ordinance Nos. 11-0356, 13-0410, 14-0425, and/or 17-0502
Sexually Oriented Retail Businesses	One per 100 gross square feet
Retail Trade, All Other	Three per 1,000 square feet
Transportation and Warehousing	
Transportation	
Pipeline Transportation	NA
Transportation, All Other	Parking study required
Warehousing and Storage	
Mini-Warehouses and Self-Storage Units	One per 2,000 gross square feet
Warehousing and Storage, All Other	One per 2,000 gross square feet
Business and Professional Services (Sector 51-56)	
General (All Office Use)	Three per 1,000 square feet
Rental and Leasing	
Passenger Car Rental and Leasing	One per 5,000 gross square feet
Truck, Utility Trailer, and RV Rental and Leasing	One per 5,000 gross square feet
Consumer Goods Rental	One per 500 gross square feet
Commercial and Industrial Equipment Rentals	One per 5,000 gross square feet
Waste Management and Remediation Services	

Waste Management and Remediation Services, All Other	Parking study required
Educational Services	
Elementary and Secondary Schools	For primary schools, two per employee, plus one per 30 children, plus parking for buses. For secondary schools and higher educational facilities, two per employee, plus one per four students, plus parking for buses.
Junior Colleges, Colleges, Universities, and Professional Schools	Two per employee, plus one per four students, plus parking for buses
Technical and Trade Schools	Two per employee, plus one per four students, plus parking for buses
Educational Services, All Other	Two per employee, plus one per four students, plus parking for buses
Health Care and Social Assistance	
Ambulatory Health Care Services, All Other	One per 250 gross square feet
Hospitals	Parking study required
Social Assistance	
Services for the Elderly and Persons with Disabilities	One per 250 gross square feet
Vocational Rehabilitation Services	One per 250 gross square feet
Child Daycare Services, Home-Based	Two per facility, plus one per employee
Child Daycare Services, All Other	One per employee, plus one per five clients, and loading area
Social Assistance, All Other	One per 250 gross square feet
Arts, Entertainment, and Recreation	
Libraries	One per 250 gross square feet
Museums and Art Galleries	One per 250 gross square feet
Zoos, Aquariums, and Botanical Gardens	Parking study required
Golf Courses and Country Clubs	Parking study required
Sexually Oriented Entertainment	One per 100 gross square feet
Gambling Industries	Parking study required
Indoor Arts, Entertainment, and Recreation Activities, Other (Special)	Parking study required
Outdoor Arts, Entertainment, and Recreation Activities, Other (Special)	Parking study required
Accommodation	
Hotels (except Casino Hotels) and Motels	1.1 per bedroom
Bed-and-Breakfast Inns	One per guest room
RV Parks and Recreational Camps	Parking study required
Food Service and Drinking Places	
Special Food Services	Parking study required or follow primary use parking standards
Mobile Vendors	NA
Drinking Places for Alcoholic Beverages	One per 100 square feet in dining, lounge and customer ordering area

Restaurants, Full Service	One space per 100 square feet of seating or waiting area or one space for every three seats, whichever is greater
Restaurants, Limited Service	One per 100 square feet in dining, lounge and customer ordering area
Snack and Nonalcoholic Beverage Bars	One per 100 square feet in dining, lounge and customer ordering area
Services (Sector 811-812)	
Automotive Repair and Maintenance	
Automotive Oil Change and Lubrication Shops	Parking study required
Car Washes	Parking study required
Automotive Repair and Maintenance, All Other	Parking study required
Personal Care Services	One per 250 gross square feet
Other Repair and Maintenance	
Other Repair and Maintenance, Consumer	One per 500 gross square feet
Other Repair and Maintenance, Commercial/Industrial	One per 500 gross square feet
Funeral Homes and Funeral Services	One per three seats
Crematoria	One per three seats
Pet Care Services	
Kennels	One per 300 gross square feet
Veterinary Services	One per 300 gross square feet
Pet Care Services, All Other	One per 300 gross square feet
Civic and Public Uses	
Cemeteries	Parking study required
Religious Assembly	
up to 10,000 sq. ft.	One per five fixed seats plus one per 50 square feet of gross floor area without fixed seats used for assembly purposes
10,000 to 19,999 sq. ft.	One per five fixed seats plus one per 50 square feet of gross floor area without fixed seats used for assembly purposes
20,000 to 29,999 sq. ft.	Parking study required
30,000 to 39,999 sq. ft.	Parking study required
40,000 sq. ft. or greater	Parking study required
Correctional Institutions (922140)	Parking study required
Administrative Government Facilities and Services	One per 250 gross square feet
Parks, Open Space, and Public Recreation	Parking study required
Notes:	
1. No parking required if the property is within one half mile walking distance of a major transit stop.	



Exhibit B

Senate Bill 6015 Consistency Checklist
File No. 25-XXXCODE

SB 6015 Description: An act relating to parking configurations for residential uses and adding a new section to chapter 36.70A RCW. This applies to all off-street parking requirements for any type of residential development or redevelopment.

Title 36 Revised Code of Washington (RCW)		
Residential Parking Regulations RCW 36.70A.622 *** CHANGES EFFECTIVE June 31, 2025 ***		
Requirement	Existing Edgewood Code	Proposed Changes and Notes
(1) Cities and counties planning under this chapter shall enforce land use regulations for residential development as provided in this section:	--	--
(a) Garages and carports may not be required as a way to meet minimum parking requirements for residential development;	--	Staff recommends not making any code updates to address this item because the existing code does not require a garage or carports to meet minimum parking requirements.
(b) Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed;	--	Staff recommends not making any code updates to address this item because the existing code does not specify enclosed or unenclosed parking to meet minimum parking standards.
(c) Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress;	Not Permitted.	SB 6015 requires that city allow one parking space per twenty (20) linear feet of tandem parking area. For example, the city would have to allow a forty (40) linear feet of tandem parking area to be counted as two (2) parking areas. The twenty (20) linear feet requirement is a “no larger than” requirement. A city may elect to reduce the linear feet requirement if they wished. The Edgewood Municipal Code currently requires a minimum parking length of eighteen (18) feet. To reduced confusion between different parking stall length requirements, staff recommends that the linear feet requirement be decreased from twenty (20) feet to eighteen (18) feet. As such, staff recommends the following language: <u>EMC 18.90.130.C.5 Tandem Parking.</u> Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every eighteen (18) linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.
(d) Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces;	--	Staff recommends the following revision to comply with SB 6015: <u>EMC 18.90.130.C.1 Surfacing:</u> c. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet residential parking standards, up to a maximum of six parking spaces.

Title 36 Revised Code of Washington (RCW)

Residential Parking Regulations [RCW 36.70A.622](#) *** CHANGES EFFECTIVE June 31, 2025 ***

(e) Parking spaces may not be required to exceed eight feet by 20 feet, except for required parking for people with disabilities;

EMC 18.90.130.C.5 Size and Access

a. A standard parking space shall have a minimum width of nine feet and a minimum length of 18 feet. Compact stalls shall have a minimum width of eight and one-half feet and a minimum length of 15 feet (see Figure 6).

b. Up to 30 percent of the required parking for a development may consist of compact stalls. No more than four compact stalls may be adjacent to each other, and the compact stalls shall be evenly dispersed throughout the parking area and clearly identified with permanent marking on the pavement as approved by the community development director or designee.

c. Two-way drive aisles shall have a minimum width of 24 feet where providing access to spaces at a 90-degree angle to the drive aisle, and 20 feet where spaces are at angles of 70 degrees or less to the drive aisle. One-way drive aisles shall have a minimum width of 20 feet where providing access to spaces at a 90-degree angle to the drive aisle. Where spaces are at angles of 70 degrees or less to the drive aisle, the standards listed in Table 3 shall apply:

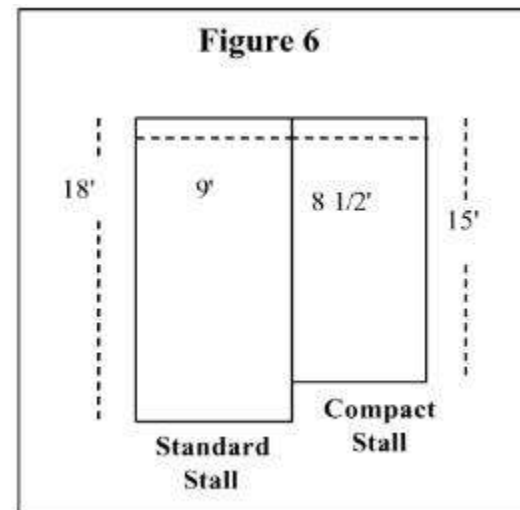


Table 3

Parking Angle	Minimum One-Way Aisle Width
50 degrees or less	15'
55	16'
60	17'

SB 6015 establishes the maximum parking dimensions for required residential parking. As such, it does not apply to non-residential development or non-residential portions of the mixed-use development. A city may elect to allow the SB 6015 parking dimensions to apply for non-residential parking spaces. Staff is recommending that the SB 6015 parking dimensions only apply to residential and residential portions of the mixed-use developments so that larger vehicles are precluded from non-residential areas.

SB 6015 also establishes the maximum parking length a city can require to twenty (20) feet. As discussed under tandem parking, the city currently allows for a minimum of eighteen (18) feet in length parking stall. Staff recommends keep the minimum eighteen (18) foot length.

As described above, staff recommends the following update:

EMC 18.90.130.C.3 Minimum Parking Stall Dimension Standards

a. Residential Use Standards: The parking stall dimensions shall have a minimum width of eight (8) feet and a minimum length of eighteen (18) feet.

b. Non-residential Use Standards: A standard parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Compact stalls shall have a minimum width of eight (8) feet and a minimum length of fifteen (15) feet. Up to 50 percent of the required parking for a non-residential development may consist of compact stalls.

c. Mixed-Use Dimension Standards: In mixed-use projects, the residential parking spaces shall comply with residential standards. All other parking may comply with non-residential parking standards.

d. These minimum standards are exclusive of any state- and/or federally-required accessible parking stalls.

Title 36 Revised Code of Washington (RCW)				
Residential Parking Regulations RCW 36.70A.622 *** CHANGES EFFECTIVE June 31, 2025 ***				
		65	18'	
		70	19'	
		d. Except for a single-family dwelling, groups of more than two parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. More than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and which shall be clearly and permanently marked and defined.		
(f) Any county planning under this chapter, and any cities within those counties with a population greater than 6,000, may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible; and	--			SB 6015 Section f means that tree retention standards will supersede off-street parking requirements for residential development if the residential development or redevelopment would otherwise be deemed infeasible. As such, each jurisdiction should codify the process and decision criteria for determining infeasible residential projects. Staff recommends that the following, based on the draft guidance from Washington Department of Commerce. <u>EMC 18.90.130. Residential Parking Infeasibility due to Tree Retention.</u> Residential uses (including residential portions of mixed-use developments) are exempt from the minimum parking standards if compliance with tree preservation (EMC 18.90.180 Tree Preservation) would make the proposed development infeasible. 1. Application: Submit a Residential Development Minimum Parking Waiver Request. 2. Process: Type I procedure that is concurrent with underlying permit. 3. Application Materials: a. A site plan depicting the jurisdiction’s requirements for:

Title 36 Revised Code of Washington (RCW)		
Residential Parking Regulations RCW 36.70A.622 *** CHANGES EFFECTIVE June 31, 2025 ***		
		i. Location of buildings and dwelling units, required setbacks, required open spaces, and other features. ii. Trees that are required for retention. iii. The location of minimum required parking spaces, maneuvering areas, and driveways. iv. The location of protected critical areas and required buffers, if applicable. b. A narrative demonstrating site conditions and applicable parking and tree retention standards that impact feasibility. c. A site-specific parking study. d. Any other evidence and supporting information the applicant wishes to provide to help the jurisdiction analyze the waiver request. 4. Decision Criteria. The Director may grant the waiver request if it is shown that it: a. All appropriate parking reductions and credits have been incorporated to the greatest extent possible. b. The number of dwelling units or size of dwelling units would be reduced below the level required to generate return on investment or meet minimum density requirements in the zone. c. The cost of paying into the city’s tree replacement fee in-leu program would cause the project not to generate an appropriate return on investment. e. The residential parking exemption does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies; and



Title 36 Revised Code of Washington (RCW)		
Residential Parking Regulations RCW 36.70A.622 *** CHANGES EFFECTIVE June 31, 2025 ***		
		f. The residential parking exemption does not constitute a threat to the public health, safety and general welfare within the city.
(g) Parking spaces that consist of grass block pavers may count toward minimum parking requirements.	<u>EMC 18.90.130.C Parking Standards</u> 2. In the case of a use that is not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the community development director or designee based upon the requirements for the most comparable use specified in this section; or, where in the opinion of the community development director or designee no comparable use exists, based upon a reasonable rationale provided an official determination written to the applicant. The community development director or designee may require that the applicant conduct a parking study to evaluate the parking needs associated with a proposed use.	Staff recommends the following revision to comply with SB 6015: <u>EMC 18.90.130.C.1 Surfacing:</u> a. All areas used for parking, maneuvering, circulation, pedestrian access, and loading or unloading shall be paved with asphalt or concrete (either conventional or permeable). Pervious alternative materials that meet LID standards (e.g., pervious asphalt, grass block pavers, etc.) shall be used to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM). b. For residential uses only, existing legally nonconforming gravel surfaces designated for vehicle parking may be used to meet these parking standards, up to a maximum of six parking spaces.
(2) Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with disabilities act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.	--	Staff recommends not making any changes to directly address this item because all the proposed changes are less restrictive than current code and resurfacing doesn't trigger full compliance with parking standards.
(3) The provisions in subsection (1) of this section do not apply to portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.	Not Applicable to City of Edgewood.	--



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: March 10, 2025

Title: Land Uses Update

Attachments:

- 1) Current Zoning Map
- 2) EMC 18.70 Permitted Land Uses
- 3) EMC 18.70.050_Land Use Table_Draft Amendments

Submitted By: Morgan Dörner

Background Information:

The 2024 Comprehensive Plan Periodic Update was adopted by council and became effective as of January 1, 2025. Changes in policy and the land use and zoning map necessitate updates to ensure consistency with the currently adopted comprehensive plan.

February 10, 2025 Planning Commission Meeting:

City staff asked the commission to review initial draft amendments to EMC 18.70.050, Land Use Table and approve the scope of work for this update, as provided below:

Recommended Scope of Work:

Review the current land use table in EMC 18.70.050 for consistency with the following:

1. City of Edgewood Comprehensive Plan Vision, Goals, & Policies for all plan elements.
(available [HERE](#))
2. Promotion of commercial uses and activities for economic development.
3. Meridian Corridor Vision
4. Addressing outstanding items needing to be updated
(example: we currently require a CUP for Personal Care Services in the MUR zone which requires a public hearing, increased costs, and time – Personal Care Services includes salons and other small commercial services that we would want to and expect to see in this zone)
5. Update associated land use references in EMC Title 18 and EMC 18.20, Definitions for consistency with the proposed amendments

Introduction of this item was brief due to timing constraints on the meeting agenda. Staff asked for any thoughts on the initial draft amendments and that the commission approve the scope of work as recommended or amended. The recommended scope of work was approved by the commission.

Current Discussion:

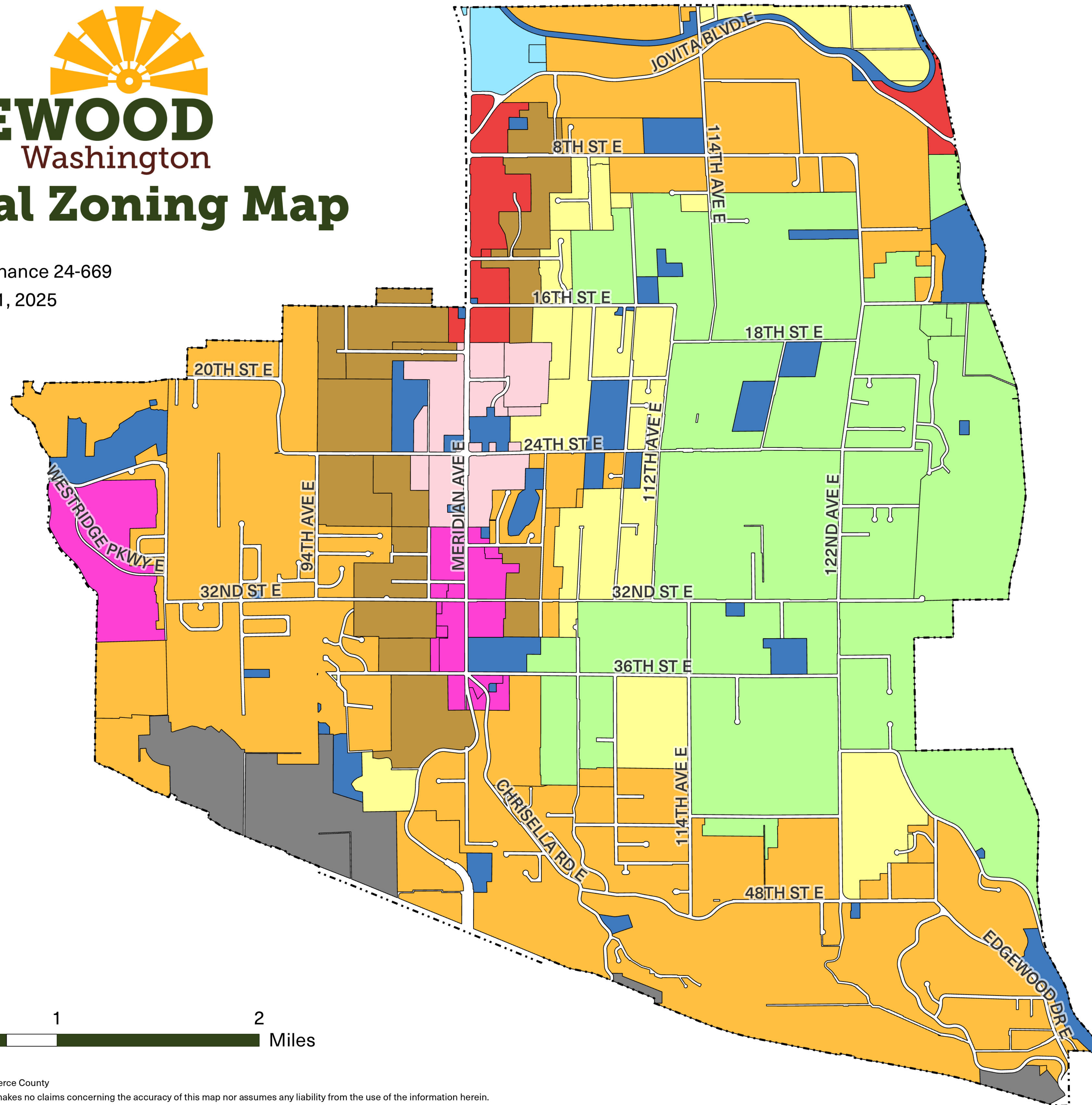
Staff review for item #2 of the approved scope of work led us to recognize a need for the commission to request the Economic Development Advisory Board (EDAB) for input on changes to commercial/industrial land uses for consistency with the Economic Development Element of the City's Comprehensive Plan (within the approved scope of work framework).

Next steps:

Based on the commission's feedback, staff will initiate public noticing after this meeting and set the public hearing for the next planning commission meeting.

EDGEWOOD
Washington
Official Zoning Map

Amended by Ordinance 24-669
Effective January 1, 2025



Legend

-  Business Park (BP)
-  Commercial (C)
-  Industrial (I)
-  Mixed Residential 1 (MR-1)
-  Mixed Residential 2 (MR-2)
-  Mixed Use Residential (MUR)
-  Public (P)
-  Single-Family 2 (SF-2)
-  Single-Family 3 (SF-3)
-  Town Center (TC)



0 0.5 1 2
Miles

Data Sources: City of Edgewood, Pierce County

Disclaimer: The City of Edgewood makes no claims concerning the accuracy of this map nor assumes any liability from the use of the information herein.

Chapter 18.70

PERMITTED LAND USES

Sections:

- 18.70.010 Purpose of provisions.
- 18.70.020 Characterization of use and organization.
- 18.70.040 Establishing use.
- 18.70.050 Land use table.

Prior legislation: Ords. 03-203, 07-283, 08-305, 11-359, 15-448, 16-463, 16-469 and 16-482.

18.70.010 Purpose of provisions.

This chapter lists the land uses that are regulated within this title in order to ensure orderly, uniform, and fair regulation that results in not only the appropriate siting of land uses, but also the appropriate physical relationship of different land uses, which are sometimes not complementary, to one another as zoning is applied. (Ord. 20-579 § 2 (Exh. B)).

18.70.020 Characterization of use and organization.

A. Each land use within Edgewood shall be characterized according to the North American Industry Classification System or land use definition provided in Chapter 18.20 EMC, Definitions. The use of a property is defined by the activity for which it or structures occupying it is or are intended, designed, arranged, occupied, or maintained. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot, provided each principal use is permitted in the zone and meets all pertinent regulatory requirements. However, no more than one single-family detached dwelling unit or one two-unit dwelling unit, as appropriate, shall be permitted as a principal use on any individual lot.

B. All references to the North American Industry Classification System (NAICS) are to the titles and descriptions found in the North American Industry Classification System, 2017 Edition, prepared by United States Office of Management and Budget, which is hereby adopted by reference. The NAICS is used to suit the purposes of this title, to list and define land uses authorized to be located in the various zoning district consistent with the comprehensive plan.

C. The NAICS uses a six-digit coding system to identify particular industries and their placement in the hierarchical structure of the classification system. The first two digits of the code designates the sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry.

D. A “part” in the NAICS column of the land use table means that only a part of the associated NAICS definition will be included into the specified land use. The community development director or assignee will respond to requests for clarification on a project by project basis.

E. A “special” in the NAICS column of the land use table means that the NAICS definition for the specified land use is not provided or that the city has modified the definition by this title. The “special” definition is provided in Chapter 18.20 EMC, Definitions.

F. The community development director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a NAICS classification is allowed in a zone. The director’s determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone’s purpose as set forth in Chapter 18.80 EMC, by considering the following factors:

1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
2. Whether or not the use complements or is compatible with other uses permitted in the zone; and

3. The NAICS classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use. (Ord. 20-579 § 2 (Exh. B)).

18.70.040 Establishing use.

A. The use of land or buildings shall be in accordance with those listed in the Land Use Table. No land or building shall hereafter be used and no building or structure erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the Land Use Table is:

✓	Designates use permitted in the zoning district indicated
–	Designates use prohibited in district indicated
A	Designates use may be approved by administrative use permit
CUP	Designates use may be approved by conditional use permit

B. If a use is identified as requiring a temporary use permit (TUP), then the use is only allowed if the TUP is obtained in accordance with EMC 18.50.070.

C. If a use is not listed, it is not allowed in any zoning district.

D. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the city of Edgewood. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Land Use Table shall be performed in accordance with EMC 18.50.020(D).

E. Any proposed use, business, structure, or other land occupancy is subject to the primary, secondary, and incidental uses expressed in the Land Use Table. As an example, a company performing surveying and mapping services may locate their office in accordance with their primary NAICS code for the service function and any secondary, tertiary, or otherwise accompanying or secondary outdoor storage, maintenance facility, information services, or other use is subject to the development standards and conditions of the incidental use. (Ord. 20-579 § 2 (Exh. B)).

18.70.050 Land use table.

SEE ATTACHMENT.

EMC 18.70.050 Land Use Table DRAFT Amendments

EMC 18.70.050 Land use table														
Land Use	NAICS Code	Single-Family 2	Single-Family 3	Single-Family 5	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes	Staff Notes
✓ – Permitted Use CUP – Use may be approved via CUP A – Approval Requires AUP – Prohibited Use	NAICS Code	SF2	SF3	SF5	MR1	MR2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6	
Residential														
Accessory														
Accessory Dwelling Unit (ADU), Attached	Special	✓	✓	✓	✓	✓	✓	–	–	–	–	–	See EMC 18.90.190 for ADU requirements for both attached and detached (backyard cottage) ADUs	
ADU, Detached (Backyard Cottage)	Special	✓	✓	✓	✓	✓	✓	A –	A –	–	–	–	Detached ADU allowed secondarily in TC and C zones only when paired with townhouse use.	
Caretaker Residence	Special	CUP ✓	CUP ✓	CUP ✓	CUP ✓	CUP ✓	CUP ✓	CUP ✓	CUP A	CUP A	–	–		
Single-Family														
Detached Dwelling	Special	✓	✓	✓	✓	✓	✓	–	–	–	–	–	Not permitted within 1 mile of Meridian Ave E (SR-161) in the MUR zone.	
Cottage Court	Special	– ✓	✓	✓	✓	✓	✓	–	–	–	–	–	Not permitted within 1 mile of Meridian Ave E (SR-161) in the MUR zone.	
Multifamily														
Duplex: Side by Side	Special	– ✓	✓	✓	✓	✓	✓	–	–	–	–	–	Not permitted within 1 mile of Meridian Ave E (SR-161) in the MUR zone.	
Duplex: Back to Back	Special	– ✓	✓	✓	✓	✓	✓	–	–	–	–	–	Not permitted within 1 mile of Meridian Ave E (SR-161) in the MUR zone.	
Duplex: Top and Bottom	Special	– ✓	✓	✓	✓	✓	✓	–	–	–	–	–	Not permitted within 1 mile of Meridian Ave E (SR-161) in the MUR zone.	
Attached Dwelling	Special	– ✓	✓	✓	✓	✓	✓	–	–	–	–	–		
Multi-plex	Special	–	–	–	✓	✓	✓	–	–	–	–	–		
Townhouse	Special	–	–	–	✓	✓	✓	✓ –	✓ –	–	–	–	Only permitted in the TC zone if part of a commercial mixed use project	Consider limit
Apartment	Special	–	–	–	–	–	✓	✓	✓	✓ –	–	–	Only permitted in the TC and C zone if part of a commercial mixed use project	Consider limit. Remove BP allowance for apartments with a CUP in 18.80.080.
Other														
Adult Family Home	623990, part	✓	✓	✓	✓	✓	✓	✓	✓ –	✓ –	–	–	In accordance with RCW 70.128.010(1), as amended	Consider only allowing in MUR and TC as an accessory use or part of a mixed-use project.
Nursing and Residential Care Facilities	6231; 6232	–	–	–	– CUP	CUP A	✓	✓	✓	✓	–	–	Only permitted in MR-1 if located on a Arterial or Collector road	
Assisted Living Facilities	6233	–	–	–	CUP	CUP A	✓	✓	✓	✓	–	–	Only permitted in MR-1 if located on a Arterial or Collector road	
Live/Work Unit	Special	–	–	–	– A	– A	✓	✓	✓	✓	–	–	Only permitted in MR-1 if located on a Arterial or Collector road	
Permanent Supportive Housing		✓	✓	✓	✓	✓	✓	✓	✓	✓	–	–		
Transitional Housing		✓	✓	✓	✓	✓	✓	✓	✓	✓	–	–		
Agriculture and Resource (Sector 11-21)														
Family Farm	111; Special	✓	✓	A	–	–	–	–	–	–	✓	✓	Activities must be performed on parcels larger than two acres in size, unless in the SF2 or SF3 zone	See animal code amendments
Agricultural Sales	454390, part	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Activities permitted in all districts, but require TUP and must comply with EMC 18.50.070	See animal code amendments
Crop Production														
Marijuana Production	111; Special	– A	–	–	–	–	–	–	–	– A	– A	–	See Condition 2	Consider update to EMC 18.100.120 to permit this.

Crop Production, All Other	111	✓	✓	A	-	-	-	-	-	-	✓	✓		See animal code amendments
Animal Production and Aquaculture														See animal code amendments
Hog and Pig Farming	112210	-	-	-	-	-	-	-	-	-	-	-		See animal code amendments
Cattle Feedlots	112112	CUP	-	-	-	-	-	-	-	-	-	-		See animal code amendments
Animal Production and Aquaculture, All Other	112 except 112210; 112112; 112511, part	✓	CUP	-	-	-	-	-	-	-	✓	CUP		To be updated with animal code amendments
Mining, Quarrying, and Oil and Gas Extraction	21	-	-	-	-	-	-	-	-	-	-	-	Unless otherwise authorized or permitted by the state where city of Edgewood is preempted from regulating	
Utilities (Sector 22)														
Electric Power Generation	22111, except 221114 and 221115	CUP -	CUP -	CUP -	CUP -	CUP -	-	-	-	-	CUP	CUP	Not applicable to small-scale, independent residential units or single-building power supply units	
Solar Electric Power Generation	221114	✓	✓	✓	A	A	A	A	A	✓	✓	✓		
Wind Electric Power Generation	221115	✓	✓	✓	✓	✓	✓	✓	✓	✓	A	A		
Potable Water Treatment	221310, part	CUP	CUP	CUP	CUP	CUP	-	-	-	-	CUP	CUP		
Sewage Collection or Treatment Facility	221320, part	CUP	CUP	CUP	CUP	CUP	-	-	-	-	CUP	CUP		Check to make sure this doesn't include necessary infrastructure.
Wireless Communication Facilities	517312; 517919, part	See Note										Activities subject to Edgewood Ord. No. 18-526 and any successors, as modified (EMC 18.100.110)		
Manufacturing (Sector 31-33)														
Animal Slaughtering and Processing	3116	-	-	-	-	-	-	-	-	-	-	-		
Marijuana Processing	Special	-	-	-	-	-	-	-	-	-	CUP	A	See Condition 2	Consider update to EMC 18.100.120 to permit this.
Manufacturing, Craft	Special	-	-	-	-	-	CUP	CUP	CUP	CUP ✓	✓	-		
Manufacturing, Light	23, part; 311 except 3116; 312; 313; 314; 315; 316; 337	-	-	-	-	-	-	-	-	-	CUP A	✓	-	
Manufacturing, Heavy	23, part; 321; 322; 323; 324; 325; 326; 327; 331; 332; 333; 334; 335; 336; 339	-	-	-	-	-	-	-	-	-	-	CUP	-	
Wholesale and Retail Trade (Sector 42, 44-45)														
Wholesale Trade	423; 424; 425	-	-	-	-	-	-	-	-	-	A	✓	-	
Retail Trade														
Automobile and Other Motor Vehicle Dealers	4411; 4412	-	-	-	-	-	-	-	-	CUP -	A	A	-	

Gasoline Stations	447	-	-	-	-	-	CUP	CUP -	A CUP	✓	✓	-	Use is limited to a total 25,000 square feet per lot in the MUR and C zones (total square footage includes all accessory uses associated with the gas station)	
Alternative Fueling Stations	Special					✓	✓	✓	✓	✓	✓	✓		Definition needed in 18.20.
Pet and Pet Supplies Stores	453910	-	-	-	-	-	A ✓	✓	✓	✓	✓	-		See animal code amendments
Fuel Dealers	454310	-	-	-	-	-	-	-	-	CUP	✓ CUP	-		
Marijuana Retailers	453998, part	-	-	-	-	-	-	-	- A	- A	- A	-	See Condition 2. Per Ord. Nos. 11-356, 13-410, 14-425, 17-502, and regulations regarding cannabis in Chapter 69.51A RCW or I-502	Consider update to EMC 18.100.120 to permit this with a limit. (ex. max total of 4)
Sexually Oriented Retail Businesses	Special	-	-	-	-	-	- A	- A	- A	- A	- A	-	Subject to standards provided in EMC 18.100.100	
Retail Trade, All Other	All Other 44; 45	-	-	-	-	-	- A	✓	✓	✓	✓	✓	CUP	
Transportation and Warehousing (Sector 48-49)														
Transportation														
Pipeline Transportation	486	See Note											Activities must follow city of Edgewood permitting requirements and are subject to Condition 3	
Transportation, All Other	48 except 486	See Note											See Condition 4	
Warehousing and Storage														
Mini-Warehouses and Self-Storage Units	53113	-	-	-	-	-	-	-	-	✓	✓	-		
Warehousing and Storage, All Other up to 3,000 sq. ft.		-	-	-	-	-	A	A	A	✓	✓	-	Only permitted in MUR, TC, and C zones when associated with a Retail, Food Service and Drinking Places or Craft Manufacturing use.	
Warehousing and Storage, All Other 3,000 to 10,000 sq. ft.		-	-	-	-	-	-	-	A	✓	✓	-	Only permitted in MUR, TC, and C zones when associated with a Retail, Food Service and Drinking Places or Craft Manufacturing use.	
Warehousing and Storage, All Other 5,000 square feet and greater		-	-	-	-	-	-	-	A	✓	✓	-	Only permitted in MUR, TC, and C zones when associated with a Retail, Food Service and Drinking Places or Craft Manufacturing use.	
Business and Professional Services (Sector 51-56)														
General	All Office Use, plus: 51 except 517; 52; 534; 533; 54 except 541940; 55; 561; 813	-	-	-	-	-	✓	✓	✓	✓	A	-		
Wedding and Special Occassion Venues and Events	Special	A	A	A	A	✓	✓	✓	✓	A	A	A		Definition needed in 18.20.
Rental and Leasing														
Passenger Car Rental and Leasing	53211	-	-	-	-	-	✓ -	✓ -	✓ A	✓	✓	-		
Truck, Utility Trailer, and RV Rental and Leasing	53212	-	-	-	-	-	CUP -	CUP -	-	✓	✓	-		
Consumer Goods Rental	5322; 5323, part	-	-	-	-	-	✓ -	✓ -	✓ A	✓	✓	-		
Commercial and Industrial Equipment Rentals	5323, part; 5324	-	-	-	-	-	-	-	-	✓	✓	-		

Waste Management and Remediation Services														
Waste Management and Remediation Services, All Other	5622, part; 5629	-	-	-	-	-	-	-	-	-	- CUP	CUP	- CUP	
Educational Services (Sector 61)														
Elementary and Secondary Schools	6111	CUP	CUP	CUP	CUP	CUP	A	✓	✓	✓	CUP	A		
Junior Colleges, Colleges, Universities, and Professional Schools	6112; 6113; 6114	-	-	-	-	- CUP	A	✓	✓	✓	CUP	A		
Technical and Trade Schools	6115	-	-	-	-	- CUP	A	✓	✓	✓	CUP A	A		
Educational Services, All Other	6116; 6117	-	-	-	-	- A	A	✓	✓	✓	CUP	- A		
Health Care and Social Assistance (Sector 62)														
Ambulatory Health Care Services, All Other	All Other 621	-	-	-	-	CUP	✓	✓	✓	✓	CUP	CUP		
Hospitals	622	-	-	-	-	- CUP	- CUP	✓	✓	✓ A	CUP	- CUP		
Community Care & Walk-in Clinics	-	-	-	-	-	- A	✓	✓	✓	✓	✓	✓		Definition needed in 18.20.
Social Assistance														
Services for the Elderly and Persons with Disabilities	624120	-	-	-	- A	CUP A	✓	✓	✓	✓	CUP	✓		
Vocational Rehabilitation Services	624310	-	-	-	- CUP	CUP A	✓	✓	✓	✓	CUP	✓		
Child Daycare Services, Home-Based	624410, part	A	A	A	A	A ✓	✓	✓	✓	✓ -	-	-	Subject to standards provided in EMC 18.100.040	
Child Daycare Services, All Other	624410, part	-	-	-	- CUP	CUP A	✓	✓	✓	✓	CUP A	✓	Subject to standards provided in EMC 18.100.040	
Social Assistance, All Other	All Other 624	-	-	-	- CUP	CUP A	✓	✓	✓	✓	CUP	✓		
Emergency Housing	-	-	-	-	-	-	CUP	✓	✓	CUP A	CUP A	✓		
Emergency Shelter	-	-	-	-	-	-	CUP	✓	✓	CUP A	✓	✓		
Arts, Entertainment, and Recreation (Sector 71)														
Libraries	Special	-	-	-	A	A	✓	✓	✓	✓	A	✓		
Museums and Art Galleries	712 except 712130	-	-	-	A	A	✓	✓	✓	✓	A	✓		
Zoos, Aquariums, and Botanical Gardens	712130	-	-	-	-	-	A	✓	✓	✓	✓	A		
Golf Courses and Country Clubs	713910	A	A	-	- A	-	A	✓	✓	✓	✓	A		
Sexually Oriented Entertainment	Special	-	-	-	-	-	-	-	- CUP	CUP	-	-	Subject to standards provided in EMC 18.100.100	
Gambling Industries	7132	-	-	-	-	-	-	CUP A	A	A	✓	-		
Indoor Arts, Entertainment, and Recreation Activities, Other	Special	-	-	-	-	- A	CUP ✓	✓	✓	✓	A	✓		
Outdoor Arts, Entertainment, and Recreation Activities, Other	Special	- A	- A	-	- A	- A	CUP ✓	A	A	A	-	✓		
Accommodation (Sector 721)														
Hotels (except Casino Hotels) and Motels	721110	-	-	-	-	- A	CUP ✓	✓	✓	CUP	✓	-		
Bed-and-Breakfast Inns	721191	-	-	-	CUP A	CUP A	CUP ✓	✓	✓	CUP	-	-		
Short-term rentals	Special	✓	✓	✓	✓	✓	✓	✓	✓				Definition needed in 18.20.	
RV Parks and Recreational Camps	7212	-	-	-	-	-	-	-	-	-	-	-		
Food Service and Drinking Places (Sector 722)														
Special Food Services	7223 except 722330	See Note					✓	✓	✓	✓	- ✓	- ✓	Allowed as incidental use in residential districts	
Mobile Vendors	722330	-	-	-	-	- A	✓	✓	✓	✓	✓	✓	Activities always require TUP and must comply with EMC 18.50.070. In MR1 and MR2, this use is only permitted on corners fronting on a Collector or Arterial road.	

Drinking Places for Alcoholic Beverages	722410	-	-	-	- CUP	- A	CUP ✓	✓	✓	✓	✓	✓	CUP ✓	Subject to regulation and classification by the Washington State Liquor and Cannabis Board. In MR1 and MR2, this use is only permitted on corners fronting on a Collector or Arterial road.	
Restaurants, Full Service	722511	-	-	-	- A	- A	✓	✓	✓	✓	✓	✓	✓	In MR1 and MR2, this use is only permitted on corners fronting on a Collector or Arterial road.	
Restaurants, Limited Service	722513; 722514	-	-	-	- A	- A	✓	✓	✓	✓	✓	✓	✓	Subject to compliance with drive-up windows (special) use, if also applicable. In MR1 and MR2, this use is only permitted on corners fronting on a Collector or Arterial road.	
Snack and Nonalcoholic Beverage Bars	722515	-	-	-	- A	- A	✓	✓	✓	✓	✓	✓	✓	Subject to compliance with drive-up windows (special) use, if also applicable. In MR1 and MR2, this use is only permitted on corners fronting on a Collector or Arterial road.	
Services (Sector 811-812)															
Automotive Repair and Maintenance															
Automotive Oil Change and Lubrication Shops	811191	-	-	-	-	-	-	-	CUP A	A	✓	-	-		
Car Washes	811192	-	-	-	-	-	CUP A	✓ -	✓	✓	✓	-	-		
Automotive Repair and Maintenance, All Other	All Other 8111	-	-	-	-	-	-	-	CUP A	CUP A	✓	-	-		
Personal Care Services	8121; 812310; 8123200	-	-	-	- A	- A	CUP ✓	✓	✓	✓	✓	-	-	In MR1, this use is only permitted on corners fronting on a Collector or Arterial road.	
Other Repair and Maintenance															
Other Repair and Maintenance, Consumer	811 except 8111	-	-	-	-	-	-	-	CUP	CUP	✓	-	-		
Other Repair and Maintenance, Commercial/Industrial	811 except 8111	-	-	-	-	-	-	-	-	CUP	✓	-	-		
Funeral Homes and Funeral Services	812210	-	-	-	-	- CUP	- A	-	CUP A	CUP A	✓	-	-		
Crematoria	812220, part	-	-	-	-	-	-	-	-	CUP	CUP	-	-		
Pet Care Services															See animal code amendments
Kennels	812910, part	-	-	-	-	-	-	-	-	CUP	A	-	-		See animal code amendments
Veterinary Services	541940	-	-	-	-	-	A	A	✓	✓	A	-	-		See animal code amendments
Pet Care Services, All Other	812910, part	-	-	-	-	-	✓	✓	✓	✓	A	-	-		See animal code amendments
Civic and Public Uses (Sector 813)															
Cemeteries	812220, part	-	-	-	-	-	-	-	-	-	-	CUP	-		
Correctional Institutions	922140	-	-	-	-	-	-	-	CUP -	CUP	-	CUP	-		Moved above religious
Administrative Public Facility	92 except 922140	-	-	-	-	- A	✓	✓	✓	✓	✓	✓	✓		Moved above religious
Nonadministrative Public Facility	Special	-	-	-	-	-	-	-	-	- A	- A	A	-	Activities with Outside Storage also subject to EMC 18.90.120	Moved above religious
Parks, Open Space, and Public Recreation	Special	✓	✓	✓	✓	✓	✓	✓	✓	✓	A	✓	-		Moved above religious
Religious Assembly															
Up to 10,000 sq. ft.	813110, Assembly Only	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
10,000 to 19,999 sq. ft.	813110, Assembly Only	✓	✓	✓	A	A	CUP A	CUP A	✓	✓	-	CUP	-		

20,000 to 29,999 sq. ft.	813110, Assembly Only	A	A	A	A	A	CUP	CUP	✓	✓	–	CUP		
30,000 to 39,999 sq. ft.	813110, Assembly Only	CUP A	CUP A	CUP A	A	A	CUP	CUP	✓	✓	–	CUP		
40,000 sq. ft. or greater	813110, Assembly Only	–	–	–	–	–	–	–	✓ CUP	✓	–	CUP		
Other Uses														
Parking Lots	812930, part	–	–	–	–	–	– CUP	– CUP	CUP	–	– CUP	– CUP		
Parking Structures	812930, part	–	–	–	–	–	–	CUP	CUP	–	– A	– A		
Drive-Up Windows	Special	–	–	–	–	–	CUP A	CUP A	CUP ✓	CUP A	CUP ✓	CUP –	Window shall not face a public ROW and facility must be screened from ROW	
Outside Displays	Special	–	–	–	–	–	✓ –	✓	✓	✓	✓		Activities also subject to EMC 18.95.030(I)	
Outside Storage	Special	–	–	–	–	–	–	CUP –	–	CUP	A	See Note	Allowed as incidental use in Public district.	
													Activities also subject to EMC 18.90.120	

Conditions
(1) Operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the site, property, or parcel on which such use is located.
(2) Subject to regulation and classification by the Washington State Liquor and Cannabis Board, where applicable and must comply with Edgewood City Ordinance Nos. 14-425 and/or 17-502; plus any regulations regarding cannabis in Chapter 69.51A RCW or I-502.
(3) Subject to Washington Utilities and Transportation Commission regulations and the federal Pipeline and Hazardous Materials Safety Administration (PHMSA). As allowed under state or federal regulations, any use(s) or appurtenances subject to local municipal control will require a CUP in all zoning districts.
(4) NAICS Subsector Codes 481-485 and 487 (Air Transportation; Rail Transportation; Water Transportation; Truck Transportation; Transit and Ground Passenger Transportation; and Scenic and Sightseeing Transportation) permitted as services or systems, to include necessary support activities. The physical location of facilities, maintenance grounds, offices, or other structures incidental to the service or system is subject to the use regulations for said structure.
(5) Essential public facilities are subject to EMC 18.50.060, Essential public facilities permit.
(6) Subject to EMC 18.100.030, Animals.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: March 10, 2025

Title: Hazardous Trees and Tree Preservation Codes

Attachments: Other Agency Code Examples
Draft Code Redlines – EMC 8.15 and 18.90.180

Submitted By: Jeremy Metzler, Community Development Director
Morgan Dorner, Senior Planner

Background Information:

This item was re-introduced to the Planning Commission at last month's meeting. Edgewood Municipal Code (EMC) currently includes provisions for trees under two separate sections:

- EMC Chapter 8.15, Removal of Obstructing, Overhanging, Dead or Hazardous Vegetation and Debris, as adopted by Ordinance 16-0466; and
- EMC Section 18.90.180, Development Standards – Citywide Applicability, Tree preservation, as adopted by Ordinance 21-0604.

As staff has attempted to enforce these regulations, some ambiguity and conflicts have been discovered that are in need of clarification. As codified, it is not clear how a “*condition violating EMC 8.15.020*” is determined, or what staff are qualified to make said determination. Also, trees on private property that are deemed to be in violation of EMC 8.15.020 may still be subject to EMC 18.90.180, depending on their size and location, which adds costs and delay to addressing any hazard to the public health, safety or welfare.

Current Discussion:

Following the conversation with the Planning Commission at last February's meeting and further review by staff in the months following, staff has prepared the attached redlined code sections to:

- Clarify who is responsible for determining whether a violation of EMC 8.15 exists;
- Establish a process in EMC 8.15 for determining whether a tree qualifies as a hazardous based on photographic evidence and other considerations as deemed appropriate;
- Revise EMC 18.90.180 to exempt trees deemed hazardous pursuant to EMC 8.15 to eliminate any conflict between these sections of code;
- Consider whether or not the removal of a tree poses a risk to neighboring property, structures, right-of-way, or other infrastructure in the vicinity;
- Allow for more flexibility as to when a “Qualified Tree Professional” is required;

- Clarify the applicability of full Tree Retention Plan requirements under EMC 18.90.180 for minor tree removals not part of a larger development plan or land use action;
- Introduce a list of undesirable and dangerous tree species that would be exempt from tree preservation requirements;
- Include provisions for emergency removal of trees that may be otherwise subject to preservation;
- Simplify the Significant Interior Tree Retention Incentive;
- Clarify and provide some flexibility under Tree Protection Measures; and
- Address any additional conflicts between sections of code as it relates to tree preservation and tree removal.

Staff is also considering the following:

- Update the minimum requirements for a “Qualified Tree Professional” as defined in EMC 18.20; and
- Revising or repealing EMC 18.80.080(G)(8) to clarify how standard may differ in the town center, commercial, mixed use residential, and business park zoning districts.

Following last month’s re-introduction of these materials, staff received the following feedback:

- 18.90.180(B), Applicability reads more like “exemptions”. Recommend adding an exemptions section and including “hazardous” trees (i.e. removing the hazardous tree language from D.2. and moving it to the exempt section) and additional items such as “routine maintenance and pruning,” for example.
- 18.90.180(C), Process and Standards makes sense for a site proposing development and requiring a land use or construction permit. What is not clear, must a homeowner removing one tree submit a tree retention plan? Tree replacement?

The attached redlines have been updated by staff to address these comments.

Staff Recommendation:

Provide staff with feedback on the proposed code amendments, so staff may proceed with the formal code amendment process and schedule a public hearing.

Hazardous Trees and Tree Preservation Codes Other Agency Examples

City of Kirkland Zoning Code 95.10(17):

...

b. Hazard Tree – A tree/tree part assessed by a qualified professional arborist as having an extreme or high overall risk rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its most current form, as applied in KZC 95.25, that meets all the following criteria:

- 1) A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;
- 2) Is in proximity to moderate to high-frequency occupied targets, persons or property that can be damaged by tree failure; and
- 3) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

...

k. Dead Trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life; and/or

l. Dying Trees. The tree is in an advanced stage of decline due to disease, insect infestation, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.

City of Kirkland Zoning Code 95.25(6):

Removal of Hazard or Nuisance Trees. Removal of hazard or nuisance trees does not count toward the tree removal allowances if the nuisance or hazard is supported by a tree risk assessment report prepared by a qualified professional arborist and approved by the City. The City may approve the removal of dead, dying, and/or diseased trees from private property as hazard trees without the submission of a tree removal permit if the applicant provides photographic evidence demonstrating that the tree meets the definition of dead or dying. Tree risk assessment reports shall follow the method for developing a tree risk rating set forth in the most current edition of the ISA Tree Risk Assessment (TRAQ) Manual and include the following:

- a. Explanation of how the tree or tree parts meet the definition of a hazard pursuant to KZC 95.10(17)(b); and
- b. Overall tree risk rating with correlating mitigation measures as follows:
 - 1) If a potential target does not exist, applicants should consider routine pruning and maintenance to abate the tree issue;
 - 2) If a tree/tree part is found to have a low or moderate overall risk rating, the Planning Official may approve mitigation measures to reduce the risk; or
 - 3) If a tree/tree part is found to have a high or extreme overall risk rating and mitigation of the risk through pruning or moving potential targets is not feasible, the Planning Official may approve the removal of the tree as a hazard tree.

City of University Place Municipal Code 19.65.270:

Tree retention in development situations.

A. This section regulates the removal of trees associated with the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or more desirable trees, into a design. It is the intent of these provisions to lessen the aesthetic and ecological impacts of tree removal.

B. The applicant must show how existing trees, excluding invasive trees, nuisance trees and at risk trees, will be preserved by choosing one of the following options to identify those trees to be retained. Trees located within a critical area or associated buffer are excluded from the following calculations:

1. Preserve at least 35 percent of the trees located on the site;
2. Preserve all trees greater than or equal to 20 inches dbh and at least 20 percent of the total tree diameter on the site, where there are at least four trees greater than or equal to 20 inches dbh on the site;
3. Preserve at least 50 percent of all trees greater than or equal to 20 inches dbh and at least 25 percent of the total tree diameter on the site, where there are at least four trees greater than or equal to 20 inches dbh on the site;
4. Preserve at least 30 percent of the total tree diameter on the site, where all trees are less than 20 inches dbh; or
5. Preserve at least 35 percent of the total regulated tree canopy area on the site, if the site is larger than two acres.

C. In addition to those trees identified for retention in subsection (B) of this section, the following trees shall be retained:

1. All trees within a critical area including wetlands or wetland buffers, fish and wildlife habitat buffers, or landslide and erosion hazard areas with slopes requiring preservation, unless removal is authorized pursuant to UPMC Title 17. If the City determines that a tree located within a critical area is an at risk tree, the City may authorize conversion of the tree to a "habitat snag" by cutting the tree at the highest point possible that still eliminates risk from a tree. The lower portion of the tree remains in place as a habitat snag to provide habitat value for fish and wildlife. In addition, the upper portion of the tree is usually left on the ground to provide extra habitat value. Also, in order to compensate for the loss in habitat value, additional tree plantings in the critical area and/or buffer may be required as mitigation;
2. All trees within an identified scenic road corridor, wildlife corridor, or scenic trail identified in the City's Parks, Recreation and Open Space Plan or the Comprehensive Plan;
3. All significant trees; and
4. Trees located within a shoreline vegetation conservation area except when their removal is authorized in accordance with UPMC 18.25.100(F) and (G).

D. Except as provided in subsection (C)(1) of this section, trees to be retained shall not include at risk trees that are determined to be exempt under UPMC 19.65.070(D). At risk trees may include:

1. Damaged or diseased trees;
2. Trees that pose a safety hazard due to potential root, trunk or primary limb failure; or

3. Mature trees that have grown in a dense stand of trees and recently become exposed to windthrow due to nearby development activity.

E. At the discretion of the City, damaged or standing dead trees may be retained and counted toward the tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as at risk trees.

F. A tree removal permit is required when the development activity will result in the removal of more than five trees. Up to five trees may be removed in development situations before calculating the number of trees that shall be retained as set forth in subsection (B) of this section.

City of University Place Municipal Code 19.65.275:

Tree retention – No associated development.

A. The purpose of this section is to manage and conserve the urban forest when development activity is neither proposed nor occurring.

B. Trees listed in UPMC 19.65.270(C) shall be retained.

C. A maximum of five trees not listed in UPMC 19.65.270(C) may be removed within a 36-month period without a tree removal permit. In addition, trees determined to be at risk trees as provided in UPMC 19.65.270(D), invasive trees as provided in UPMC 19.65.340, and nuisance trees as provided in UPMC 19.65.350 may be removed and will not count toward the five-tree limit.

D. Removal of additional trees beyond those provided for in subsection (C) of this section may only be authorized through issuance of a tree removal permit in accordance with the tree retention standards set forth in UPMC 19.65.270 and this chapter.

City of University Place Municipal Code 19.65.300:

Tree removal in subdivisions.

When subdividing property by preliminary plat, trees and groundcover shall not be removed prior to preliminary plat approval. When subdividing property by either short or preliminary plat, no clearing of trees or groundcover may take place until a tree preservation plan and site development permit have been approved by the City. Road locations must be staked prior to clearing. Prior to issuance of a building permit, a title notification shall be recorded that states:

Trees which are required to remain on this lot pursuant to the city's tree preservation regulations (Chapter 19.65 UPMC) shall not be removed for a period of three years from the date of original purchase by individual lot owners except as provided for in UPMC 19.65.270(D) and only then following consent by the city. Regulated trees removed subsequent to this three year period shall be replaced in accordance with UPMC 19.65.190 and UPMC 19.65.310.

City of University Place Municipal Code 19.65.310:

Tree replacement.

A. When the required number of trees cannot be retained as determined at the sole discretion of the City, trees that are removed shall be replaced with new trees of the same species at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

B. When the required number of trees cannot be physically retained or replaced on site, the applicant has the option of:

1. Planting the required number of replacement trees at locations approved by the City prior to the time of occupancy of the building or final approval of the subdivision at the same rate as the replacement rate required for on-site replacement of trees; or
2. Payment in lieu of replacement may be made to the City tree account for planting of trees in priority off-site locations within the City. These are public street rights-of-way, public parks, and other public open spaces. The payment is an equivalent amount to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's tree replacement cost schedule. The payment in lieu of planting trees on site shall be made prior to the issuance of any building permit or final subdivision approval.

City of University Place Municipal Code 19.65.350:

Nuisance tree species list.

Tree species categorized as nuisance trees in University Place are listed below. The City may determine that additional tree species should be classified as nuisance trees if the species clearly exhibits the detrimental characteristics of nuisance species.

Common Name	Species Name
Red alder	Alnus rubra
Black cottonwood	Populus trichocarpa

Pierce County Code 18J.15.030: See <https://pierce.county.codes/PCC/18J.15.030>.

Chapter 8.15
REMOVAL OF OBSTRUCTING, OVERHANGING, DEAD OR HAZARDOUS VEGETATION AND DEBRIS

Sections:

- 8.15.010 Purpose – Authority.
8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.
8.15.030 Proceedings – Resolution.
8.15.040 Completion of work by city.
8.15.050 Cost recovery – Lien.
8.15.060 Remedies nonexclusive.

8.15.010 Purpose – Authority.

The provisions of this chapter are enacted pursuant to RCW 35.21.310 and other applicable state law. The purpose of this chapter is to ensure that the condition and location of trees, shrubs and other vegetation or debris do not obstruct or impair the use of public streets or sidewalks by members of the public, or otherwise pose a hazard to the public health, safety or welfare. It is the further purpose and intent of this chapter that landowners should bear the primary responsibility for and cost of maintaining their own property, including without limitation all trees and vegetation growing thereupon, in a properly confined, compliant and nonhazardous manner. The provisions of this chapter shall be liberally construed in furtherance of said purposes and in accordance with RCW 35.21.310.

8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.

A. All landowners within the city shall maintain their property in a manner that does not pose a hazard to the public health, safety or welfare. Without prejudice to the foregoing, landowners shall be responsible for the following:

1. ~~A.~~ Removing or destroying all trees, plants, shrubs or vegetation, or parts thereof, located upon their property which overhang any public sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public.
2. ~~B.~~ Removing or destroying all dead grass, weeds, shrubs, bushes, trees or vegetation located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.
3. ~~C.~~ Removing or destroying all debris located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.

B. With regard to the conditions listed under subsection A, above, the Fire Code Official shall be responsible for determining whether or not a fire hazard exists, and the Public Works Director shall be responsible for determining whether or not there is a menace to public's health, safety or welfare.

C. Trees that are dead, dying and/or diseased may qualify as a fire hazard and/or menace to public health, safety or welfare, to be determined based on photographic evidence demonstrating at least one of the following applies:

1. Dead Trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life; and/or
- ~~1.2.~~ Dying Trees. The tree is in an advanced stage of decline due to disease, insect infestation, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.

8.15.030 Proceedings – Resolution.

Whenever a condition violating EMC 8.15.020 exists upon property located within the city, the city council may initiate proceedings against the landowner by resolution, passage of which shall not occur until at least five days' written notice has been provided to the landowner. The resolution shall describe the subject property and the hazardous condition(s), and shall require the landowner to remove or destroy the same by the deadline established

therein, which shall be no less than 10 days from the date of passage of the resolution. A copy of the resolution shall be provided to the landowner following passage.

8.15.040 Completion of work by city.

If the landowner fails to remove or destroy the dangerous condition(s) identified in the city council resolution by the deadline established thereby, the city may cause the removal or destruction of such condition(s).

8.15.050 Cost recovery – Lien.

The costs incurred by the city under this chapter shall become a charge to the landowner and a lien against the subject property. Notice of such lien shall be in substantially the same form, filed with the same officer, and within the same time and manner, and enforced and foreclosed as provided by law for liens for labor and materials.

8.15.060 Remedies nonexclusive.

The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty, and/or procedure available to the city with respect to the subject matter hereof. Violations of this chapter are also subject to enforcement and penalties as set forth in EMC Title 7, Code Enforcement.

18.90.180 Tree preservation.

A. Purpose. The purpose of this section is to establish the significant tree preservation requirements necessary when conducting any development or development activity within the city of Edgewood. Specifically, the regulations contained in this section are intended to accomplish the following 10 goals and objectives:

1. Promote the public health, safety and general welfare of the residents of Edgewood;
2. Implement the purposes of the State Growth Management Act relating to conservation of natural resources;
3. Support and implement the city of Edgewood's Comprehensive Plan, specifically the natural environment, land use, and community character elements;
4. Implement the goals of the State Environmental Policy Act (SEPA);
5. Improve the aesthetic quality of the built environment by reducing impacts on critical areas and the natural environment;
6. Minimize erosion, siltation, water pollution, and surface and ground water runoff by the preservation of significant trees;
7. Provide for the reasonable development of property, reasonable preservation or enhancement of property values, and for increases in privacy for residential sites;
8. Promote building and site planning practices that are consistent with the city's natural topography, soils, and vegetation features;
9. Provide an appropriate amount and quality of tree retention related to future land uses; and
10. Provide for increased areas of permeable surfaces that allow for infiltration of surface water into ground water resources, reduction in the quantity of storm water discharge, and improvement in the quality of storm water discharge.

B. Applicability. In addition to the requirements under Title 14, Critical Areas, and unless otherwise specified in this section, the preservation of certain trees is required for any development or development activity in all zoning districts and shall be provided in accordance with each individual zoning district and the provisions of this section. In the event a permit is not required, the standards of this section still apply.

~~1. Tree preservation requirements are applicable to all zoning districts and shall be provided in accordance with each individual zoning district and the provisions of this section. In the event a permit is not required for the establishment of a use, the standards of this section still apply.~~

C. Exemptions. The following uses and/or activities related to tree preservation are exempt from this section:

1. Routine maintenance and pruning.

~~2. Existing residential uses on a lot of record development or single family residences that is no greater than 0.5 acres in area, unless the subject tree(s) are otherwise designated for preservation under a prior tree preservation action, comply with current EMC 18.80_.040(C)(1) minimum and maximum densities are exempt from this section~~

3. Trees that constitute a fire hazard or a menace to public health, safety or welfare as determined under EMC Chapter 8.15.

4. Any tree deemed hazardous by a qualified tree professional due to natural causes and not by adjacent development activity or other human causes, with replacement at a 1:1 tree ratio (not diameter-inches).

5. Removal of the following tree species, regardless of size:

a. Black Cottonwood (*Populus trichocarpa*)

b. Red Alder (*Alnus rubra*)

c. Poplar (*Populus*)

d. Non-native **and** invasive tree species to the Puget Sound Region¹, including but may not be limited to:

1. English (or cherry) laurel (*Prunus laurocerasus*);

2. English holly (*Ilex aquifolium*);

3. European hawthorn or one-seed hawthorn (*Crataegus monogyna*);

4. European mountain ash (*Sorbus aucuparia*);

5. Portugal laurel (*Prunus lusitanica*);

6. Horse chestnut (*Aesculus hippocastanum*);

7. Other tree species identified by a qualified tree professional that are non-native **and** invasive to the Puget Sound Region

6. Emergency Removal. Any number of hazardous protected and nonprotected trees may be removed under emergency conditions. Emergency conditions include immediate danger to life or dwellings or similar stationary and valuable property, including the presence of a target. Emergency removal may occur without permit approval if all the following conditions are met:

a. The City is notified the following business day of the unpermitted action;

b. Visual documentation (i.e., photographs, video, etc.) is provided to the city; and

c. The felled tree remains on site for City inspection.

d. Should the City determine that the tree(s) did not pose an emergency condition, the owner shall be cited for a violation of the terms of this section.

DE. Process and Standards. Review and approval for any significant tree removal(s) shall be conducted with the underlying development permit application. If no other development permit is required, a Tree Removal Permit must be obtained.

1. Tree Preservation Requirements. Any development or development activity shall retain and replace significant trees in accordance with the following requirements:

a. Perimeter Trees. All significant trees within 15 feet of the lot perimeter shall be preserved.

i. At the discretion of the community development director or designee, significant trees may be removed for required site access, buildings, roads, utilities, sidewalks, trails, or storm drainage improvements.

~~ii.~~ Any removed tree must be replaced in accordance with subsection (C)(4) of this section.

b. Interior Trees. A percentage of all significant trees within the interior of a lot, ~~exclusive of the significant trees already required to remain per subsection (C)(1)(a) of this section~~ excluding Perimeter Trees, shall be retained as required per the following standards:

¹ Resources included for Planning Commission review only):

• <https://www.seattle.gov/trees/restoration/homes>

• https://www.earthcorps.org/ftp/ECScience/Resources/Fact_Sheets/Invasive_Native_Trees_arial.pdf

i. In single-family residential zoning districts, mixed residential zoning districts, and the public zoning district, 50 percent of the significant trees located within the interior landscaping area of the lot, ~~or individual lots in the case of residential subdivisions,~~ shall be retained.

ii. In the industrial zoning district, 10 percent of the significant trees located within the interior landscaping area of the lot, ~~or individual lots in the case of subdivisions,~~ shall be retained.

iii. In the town center, commercial, mixed use residential, and business park zoning districts, 10 percent of the significant trees located within the interior landscaping area of the lot, ~~or individual lots in the case of subdivisions,~~ shall be retained. In addition, EMC 18.80.080(G)(8), Tree Preservation and Protection Standards, applies to any development or development activity in these zones².

iv. At the discretion of the community development director or designee, interior significant trees may be removed in excess of the above percentages for required site access, roads, utilities, sidewalks, or trails. Any tree removed under this subsection must be replaced in accordance with subsection (C)(4) of this section.

2. Tree Retention Plan. A tree retention plan shall be submitted to the city for any development or development activity subject to this section. The plans shall be submitted with the required project permit and shall be prepared in accordance with the requirements outlined in this subsection.

a. Tree Survey. The tree retention plan shall include a tree survey that identifies all significant trees on the subject site.

i. The tree survey shall be performed by a qualified tree professional.

ii. While sampling may be used to perform the overall tree inventory, the survey must show the location, number, size, height, species, and condition of each significant tree.

iii. If physical conditions do not warrant the identification of each significant tree, then the sampling results of the plot with the highest number of significant tree diameter inches shall be used as the representative sample.

iv. Inventory sampling shall be performed in accordance with the following plot to acre ratios.

Acres	Minimum number of plots
10 or less	3
11–20	6
21–40	10
41–150	15
>150	1 plot/10 acres

b. Identification of Significant Trees. The tree retention plan shall identify each significant tree that is proposed to be retained, designated to be removed, or requested to qualify for the interior significant tree retention incentive.

² Note to Planning Commission and Staff: Still need to consider revising the referenced section, or simply repealing the reference and inserting / simplifying here. Currently it does not provide any facilitation guidance, conditions, or allow staff to optimize compliance review. Staff believe this leaves the City vulnerable to bias when weighing design goals vs. public comments/concerns (i.e. requires too much analysis and documentation for staff decision).

c. ~~Interior~~ Significant Interior Tree Retention Incentive. Significant ~~Interior~~ Trees that are retained ~~and located outside of the perimeter area, as prescribed in subsection (C)(1)(a) of this section,~~ may be credited as two trees for complying with the retention requirements in subsection (C)(1) of this section, provided it meets ~~one or more of~~ the following criteria:

i. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees, or 30 inches in diameter for deciduous trees; and

ii. The tree is located in a grouping of ~~two or more~~ at least five other significant trees with canopies that touch or overlap, determined to be viable for retention by a qualified tree professional, and the grouping does not intersect existing or proposed lot boundaries.;

iii. ~~The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings;~~

iv. ~~The tree belongs to a unique or unusual species;~~

v. ~~The tree is located within 25 feet of any critical area or required critical area buffers; or~~

vi. ~~The tree is 18 inches in diameter or greater and is identified as providing wildlife habitat.~~

~~iii.~~ If a tree using this incentive dies or is removed, replacement for such tree shall be provided in accordance with (C)(4) of this section. If the tree died as a result of construction, improper tree protection, lack of maintenance, or negligence, then the tree must be replaced at the standard replacement rate without this incentive benefit.

d. Tree Protection Techniques. The tree retention plan shall demonstrate the tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continual healthy life of retained significant trees. The proposed tree protection techniques will be reviewed by the city to ensure compliance with the provisions of this section.

e. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies within ~~three~~ five years of the development of the site, and a qualified tree professional determines it has died due to unnatural causes, then the significant tree shall be replaced with new tree diameter-inches at a rate of 3:1.

3. Tree Protection Measures. Tree protection measures have been established to reduce the impacts of development action on existing significant trees. The protection measures are as follows:

a. If a tree retention, landscape plan, or both are required, no clearing shall be allowed on site until approval of each such plan.

b. An area free of disturbance, corresponding to the dripline of the significant tree's canopy shall be identified and protected during the construction stage with a temporary three-foot-high chainlink or plastic net fence. Fencing shall be in place prior to any site disturbing and construction related activity. No impervious surfaces, fill, excavation, storage of construction materials, operations or parking of vehicles shall be permitted within the area defined by such fencing. For trees 20 DBH inches or more, tree protection fencing shall be provided corresponding to the protection zone diameter, meaning that a 20 DBH inch tree requires a 20 foot diameter protection, including the trunk.

c. The Director or Designee may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.

d. Tree Topping is prohibited.

4. Tree Replacement. Any ~~removed~~-significant tree removed that is otherwise required to be retained, subject to this section, shall be replaced in accordance with the following standards.

a. On-Site Replacement

ia. Significant trees shall be replaced at a rate of 1.5 times to one (1.5:1) of the total tree diameter inches of all the significant trees that were removed.

iib. Replacement trees shall be no smaller than two inches DBH for deciduous trees and seven feet in height for evergreen trees.

iiie. Preserved healthy trees, which are not designated as at-risk on a tree risk assessment, between two and 12 inches in tree diameter, may be counted towards the on-site 1.5:1 replacement requirement by subtracting their respective DBH inches from the total replacement count.

ivd. Replacement trees shall be native to Washington State and shall be classified as noninvasive species.

ve. Tree replacement plans shall be prepared by a qualified tree professional.

b. Off-Site Replacement

i. Payment in lieu of replacement may be made to the City for planting of trees in other areas of the City. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's fee schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first. This option will be available once the City creates a tree fund and approves tree replacement fee in the City's fee schedule.

E~~D~~. Determining Significant Trees.

1. To be identified as a significant tree, an existing tree must not be exempt from this section and meet at least one of the following criteria:

a. When measured at breast height, must have a minimum diameter of 12 inches;

b. The community development director or designee designated the tree as significant due to any one of the following:

i. The uniqueness of the tree species;

ii. The tree is not a hazardous tree and provides important wildlife habitat; or

iii. The tree's unique historical, ecological, or aesthetic value constitutes an important community resource.

2. Trees will not be considered "significant" if a tree risk assessment or arborist report/memo from a qualified tree professional determines, and the community development director or designee reviews and concurs, that the tree is at risk due to a structural defect, combination of defects, or disease.³

a. Regardless of tree health, a tree may also be determined as a safety hazard in a tree risk assessment if the tree poses a threat to human health or may cause damage to a structure, roadway, or utility facility if toppled.

³ This highlighted section is covered by the new exemptions section, above.

~~b. Hazardous trees that are not considered significant may be removed following the review and concurrence of the tree risk assessment by the community development director or designee.~~

~~c. To undertake a tree risk assessment, a qualified tree professional must be tree risk assessment qualified (TRAQ), as established by the International Society of Arboriculture (ISA).~~

~~E. Critical Areas Regulations.~~

~~1. All trees within a critical area, critical area buffer, or open space tract shall be retained.~~

~~2. Trees specifically indicated in a discretionary land use permit or tree removal permit may be exempted from the requirement to be retained, subject to the provisions of EMC Title 14 and tree replacement requirements.~~

F. State Environmental Policy Act Requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: March 10, 2025

Title: Impact Fees and SB 5258

Attachments:
SB 5258 (2023)
HB 1337 (2023)
Draft EMC Title 4 Redlines

Submitted By: Jeremy Metzler, Community Development Director

Background Information:

Staff is working to update Impact Fee provisions in Edgewood Municipal Code (EMC) to align with recent changes in state law. Here is a summary of the relevant legislation:

- SB 5258 (2023) – Section 10 amends RCW 82.02.060 to require fees to be based on “*the square footage, number of bedrooms, or trips generated,*” rather than by unit type or classification, and requires any amendment to EMC be completed by June 30, 2025.
- HB 1337 (2023) – Section 4(1)(a) requires impact fees on Accessory Dwelling Units (ADU’s) be no greater than 50 percent of the fee imposed on the principal unit.

Also, staff is working to update the base fee calculations for the City’s Impact Fees, and the Economic Development Advisory Board (EDAB) is considering recommending reduced Transportation Impact Fee rates for certain land use categories to the City Council. While these items are not expected to affect the Planning Commission’s work, staff will provide updates on our progress as we are able.

Current Discussion:

The City is required to update the relevant sections of EMC to comply with this legislation by June 30, 2025. Staff is planning to keep the existing “per trip” rate structure for Transportation Impact Fees. Based on initial input from the Master Builders Association, staff is considering “per square foot” rate structures for Park and School Impact Fees, but staff still needs to coordinate with our local school districts to determine the most appropriate methodology for determining school impact fees. Staff welcomes any input the Planning Commission may have on the proposed rate structures at this time.

Staff Recommendation:

Provide staff with any initial feedback on the proposed code amendments you may have, so staff may proceed with the formal code amendment process and schedule a public hearing.

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258

Chapter 337, Laws of 2023

68th Legislature
2023 Regular Session

CONDOMINIUMS AND TOWNHOUSES—CONSTRUCTION AND SALE—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for section 9, which takes effect January 1, 2024.

Passed by the Senate April 21, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 20, 2023
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 8, 2023 1:16 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5258

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Shewmake, Gildon, Billig, Llias, Lovick, Nguyen, Nobles, Randall, and Wellman)

1 AN ACT Relating to increasing the supply and affordability of
2 condominium units and townhouses as an option for homeownership;
3 amending RCW 64.35.105, 64.50.010, 64.50.020, 64.50.040, 64.90.250,
4 64.90.605, 64.90.645, 82.02.060, 58.17.060, and 64.55.160; reenacting
5 and amending RCW 64.38.010; adding a new section to chapter 82.45
6 RCW; creating a new section; and providing an effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 64.35.105 and 2004 c 201 s 101 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Affiliate" has the meaning in RCW ((64.34.020)) 64.90.010.

13 (2) "Association" has the meaning in RCW ((64.34.020)) 64.90.010.

14 (3) "Building envelope" means the assemblies, components, and
15 materials of a building that are intended to separate and protect the
16 interior space of the building from the adverse effects of exterior
17 climatic conditions.

18 (4) "Common element" has the meaning in RCW ((64.34.020))
19 64.90.010.

20 (5) "Condominium" has the meaning in RCW ((64.34.020)) 64.90.010.

21 (6) "Construction professional" has the meaning in RCW 64.50.010.

(7) "Conversion condominium" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(8) "Declarant" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(9) "Declarant control" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445 or 64.90.670.

(11) "Limited common element" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.

(13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.

(14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.

(15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.

(16) "Person" has the meaning in RCW (~~(64.34.020)~~) 64.90.010.

(17) "Public offering statement" has the meaning in (~~RCW 64.34.410~~) chapter 64.90 RCW.

(18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.

(19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.

(20) "Resale certificate" means the statement to be delivered by the association under (~~RCW 64.34.425~~) chapter 64.90 RCW.

(21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW (~~(64.34.312)~~) 64.90.420.

(22) "Unit" has the meaning in RCW ((64.34.020)) 64.90.010.

(23) "Unit owner" has the meaning in RCW ((64.34.020)) 64.90.010.

Sec. 2. RCW 64.38.010 and 2021 c 227 s 9 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Assessment" means all sums chargeable to an owner by an association in accordance with RCW 64.38.020.

(2) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above ((zero-dollars)) \$0 throughout the ((thirty-year)) 30-year study period described under RCW 64.38.065.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Contribution rate" means, in a reserve study as described in RCW 64.38.065, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(7) "Effective age" means the difference between the estimated useful life and remaining useful life.

(8) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(9) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the ((thirty-year)) 30-year study period described under RCW 64.38.065, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(10) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve

1 component is calculated by multiplying the current replacement cost
2 of the reserve component by its effective age, then dividing the
3 result by the reserve component's useful life. The sum total of all
4 reserve components' fully funded balances is the association's fully
5 funded balance.

6 (11) "Governing documents" means the articles of incorporation,
7 bylaws, plat, declaration of covenants, conditions, and restrictions,
8 rules and regulations of the association, or other written instrument
9 by which the association has the authority to exercise any of the
10 powers provided for in this chapter or to manage, maintain, or
11 otherwise affect the property under its jurisdiction.

12 (12) "Homeowners' association" or "association" means a
13 corporation, unincorporated association, or other legal entity, each
14 member of which is an owner of residential real property located
15 within the association's jurisdiction, as described in the governing
16 documents, and by virtue of membership or ownership of property is
17 obligated to pay real property taxes, insurance premiums, maintenance
18 costs, or for improvement of real property other than that which is
19 owned by the member. "Homeowners' association" does not mean an
20 association created under chapter 64.32 (~~(06)~~), 64.34, or 64.90 RCW.

21 (13) "Lot" means a physical portion of the real property located
22 within an association's jurisdiction designated for separate
23 ownership.

24 (14) "Owner" means the owner of a lot, but does not include a
25 person who has an interest in a lot solely as security for an
26 obligation. "Owner" also means the vendee, not the vendor, of a lot
27 under a real estate contract.

28 (15) "Remaining useful life" means the estimated time, in years,
29 before a reserve component will require major maintenance, repair, or
30 replacement to perform its intended function.

31 (16) "Replacement cost" means the current cost of replacing,
32 repairing, or restoring a reserve component to its original
33 functional condition.

34 (17) "Reserve component" means a common element whose cost of
35 maintenance, repair, or replacement is infrequent, significant, and
36 impractical to include in an annual budget.

37 (18) "Reserve study professional" means an independent person who
38 is suitably qualified by knowledge, skill, experience, training, or
39 education to prepare a reserve study in accordance with RCW 64.38.065
40 and 64.38.070.

1 (19) "Residential real property" means any real property, the use
2 of which is limited by law, covenant or otherwise to primarily
3 residential or recreational purposes.

4 (20) "Significant assets" means that the current replacement
5 value of the major reserve components is (~~(seventy-five)~~) 75 percent
6 or more of the gross budget of the association, excluding the
7 association's reserve account funds.

8 (21) "Tangible medium" means a writing, copy of a writing,
9 facsimile, or a physical reproduction, each on paper or on other
10 tangible material.

11 (22) "Useful life" means the estimated time, between years, that
12 major maintenance, repair, or replacement is estimated to occur.

13 **Sec. 3.** RCW 64.50.010 and 2020 c 18 s 23 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Action" means any civil lawsuit or action in contract or
18 tort for damages or indemnity brought against a construction
19 professional to assert a claim, whether by complaint, counterclaim,
20 or cross-claim, for damage or the loss of use of real or personal
21 property caused by a defect in the construction of a residence or in
22 the substantial remodel of a residence. "Action" does not include any
23 civil action in tort alleging personal injury or wrongful death to a
24 person or persons resulting from a construction defect.

25 (2) "Association" means an association, master association, or
26 subassociation as defined and provided for in RCW 64.34.020(4),
27 64.34.276, 64.34.278, (~~(and)~~) 64.38.010(~~((11))~~) (12), and
28 64.90.010(4).

29 (3) "Claimant" means a homeowner or association who asserts a
30 claim against a construction professional concerning a defect in the
31 construction of a residence or in the substantial remodel of a
32 residence.

33 (4) "Construction defect professional" means an architect,
34 builder, builder vendor, contractor, subcontractor, engineer,
35 inspector, or such other person with verifiable training and
36 experience related to the defects or conditions identified in any
37 report included with a notice of claim as set forth in RCW
38 64.50.020(1)(a).

1 (5) "Construction professional" means an architect, builder,
2 builder vendor, contractor, subcontractor, engineer, or inspector,
3 including, but not limited to, a dealer as defined in RCW 64.34.020
4 and a declarant as defined in RCW 64.34.020, performing or furnishing
5 the design, supervision, inspection, construction, or observation of
6 the construction of any improvement to real property, whether
7 operating as a sole proprietor, partnership, corporation, or other
8 business entity.

9 ~~((+5+))~~ (6) "Homeowner" means: (a) Any person, company, firm,
10 partnership, corporation, or association who contracts with a
11 construction professional for the construction, sale, or construction
12 and sale of a residence; and (b) an "association" as defined in this
13 section. "Homeowner" includes, but is not limited to, a subsequent
14 purchaser of a residence from any homeowner.

15 ~~((+6+))~~ (7) "Residence" means a single-family house, duplex,
16 triplex, quadraplex, or a unit in a multiunit residential structure
17 in which title to each individual unit is transferred to the owner
18 under a condominium or cooperative system, and shall include common
19 elements as defined in RCW 64.34.020 and common areas as defined in
20 RCW 64.38.010(4).

21 ~~((+7+))~~ (8) "Serve" or "service" means personal service or
22 delivery by certified mail to the last known address of the
23 addressee.

24 ~~((+8+))~~ (9) "Substantial remodel" means a remodel of a residence,
25 for which the total cost exceeds one-half of the assessed value of
26 the residence for property tax purposes at the time the contract for
27 the remodel work was made.

28 **Sec. 4.** RCW 64.50.020 and 2002 c 323 s 3 are each amended to
29 read as follows:

30 (1) In every construction defect action brought against a
31 construction professional, the claimant shall, no later than ~~((forty-~~
32 ~~five))~~ 45 days before filing an action, serve written notice of claim
33 on the construction professional.

34 (a) The notice of claim shall state that the claimant asserts a
35 construction defect claim against the construction professional and
36 shall describe the claim in reasonable detail sufficient to determine
37 the general nature of the defect.

38 (b) If the claimant is a condominium association created after
39 the effective date of this section, the written notice of claim shall

1 include a written report from a construction defect professional. In
2 addition to describing the claim in reasonable detail sufficient to
3 determine the general nature of the defect the written report shall
4 state the construction defect professional's qualifications, the
5 manner and type of inspection upon which the report was based, and
6 the general location of the defect.

7 (2) Within (~~twenty-one~~) 14 days after service of the notice of
8 claim, the construction professional may serve a written response
9 demanding a meeting with the claimant and its expert, including the
10 construction defect professional who authored the report required in
11 subsection (1)(b) of this section to confer regarding the report and
12 its contents. The meeting shall take place within 14 days of service
13 of the construction professional's demand or at such later date as
14 mutually agreed to by the parties.

15 (3) Within 14 days after the meeting referenced in subsection (2)
16 of this section or, in the absence of a demand for such meeting,
17 within 21 days after service of the notice of claim, whichever is
18 later, the construction professional shall serve a written response
19 on the claimant by registered mail or personal service. The written
20 response shall:

21 (a) Propose to inspect the residence that is the subject of the
22 claim and to complete the inspection within a specified time frame.
23 The proposal shall include the statement that the construction
24 professional shall, based on the inspection, offer to remedy the
25 defect, compromise by payment, or dispute the claim;

26 (b) Offer to compromise and settle the claim by monetary payment
27 without inspection. A construction professional's offer under this
28 subsection (~~(+2+)~~) (3)(b) to compromise and settle a homeowner's
29 claim may include, but is not limited to, an express offer to
30 purchase the claimant's residence that is the subject of the claim,
31 and to pay the claimant's reasonable relocation costs; or

32 (c) State that the construction professional disputes the claim
33 and will neither remedy the construction defect nor compromise and
34 settle the claim.

35 (~~(+3+)~~) (4)(a) If the construction professional disputes the
36 claim or does not respond to the claimant's notice of claim within
37 the time stated in subsection (~~(+2+)~~) (3) of this section, the
38 claimant may bring an action against the construction professional
39 for the claim described in the notice of claim without further
40 notice.

1 (b) If the claimant rejects the inspection proposal or the
2 settlement offer made by the construction professional pursuant to
3 subsection ~~((2))~~ (3) of this section, the claimant shall serve
4 written notice of the claimant's rejection on the construction
5 professional. After service of the rejection, the claimant may bring
6 an action against the construction professional for the construction
7 defect claim described in the notice of claim. If the construction
8 professional has not received from the claimant, within ~~((thirty))~~ 30
9 days after the claimant's receipt of the construction professional's
10 response, either an acceptance or rejection of the inspection
11 proposal or settlement offer, then at anytime thereafter the
12 construction professional may terminate the proposal or offer by
13 serving written notice to the claimant, and the claimant may
14 thereafter bring an action against the construction professional for
15 the construction defect claim described in the notice of claim.

16 ~~((4))~~ (5)(a) If the claimant elects to allow the construction
17 professional to inspect in accordance with the construction
18 professional's proposal pursuant to subsection ~~((2))~~ (3)(a) of this
19 section, the claimant shall provide the construction professional and
20 its contractors or other agents reasonable access to the claimant's
21 residence during normal working hours to inspect the premises and the
22 claimed defect.

23 (b) Within ~~((fourteen))~~ 14 days following completion of the
24 inspection, the construction professional shall serve on the
25 claimant:

26 (i) A written offer to remedy the construction defect at no cost
27 to the claimant, including a report of the scope of the inspection,
28 the findings and results of the inspection, a description of the
29 additional construction necessary to remedy the defect described in
30 the claim, and a timetable for the completion of such construction;

31 (ii) A written offer to compromise and settle the claim by
32 monetary payment pursuant to subsection ~~((2))~~ (3)(b) of this
33 section; or

34 (iii) A written statement that the construction professional will
35 not proceed further to remedy the defect.

36 (c) If the construction professional does not proceed further to
37 remedy the construction defect within the agreed timetable, or if the
38 construction professional fails to comply with the provisions of (b)
39 of this subsection, the claimant may bring an action against the

1 construction professional for the claim described in the notice of
2 claim without further notice.

3 (d) If the claimant rejects the offer made by the construction
4 professional pursuant to (b)(i) or (ii) of this subsection to either
5 remedy the construction defect or to compromise and settle the claim
6 by monetary payment, the claimant shall serve written notice of the
7 claimant's rejection on the construction professional. After service
8 of the rejection notice, the claimant may bring an action against the
9 construction professional for the construction defect claim described
10 in the notice of claim. If the construction professional has not
11 received from the claimant, within ~~((thirty))~~ 30 days after the
12 claimant's receipt of the construction professional's response,
13 either an acceptance or rejection of the offer made pursuant to
14 (b)(i) or (ii) of this subsection, then at anytime thereafter the
15 construction professional may terminate the offer by serving written
16 notice to the claimant.

17 ~~((+5+))~~ (6)(a) Any claimant accepting the offer of a construction
18 professional to remedy the construction defect pursuant to subsection
19 ~~((+4+))~~ (5)(b)(i) of this section shall do so by serving the
20 construction professional with a written notice of acceptance within
21 a reasonable time period after receipt of the offer, and no later
22 than ~~((thirty))~~ 30 days after receipt of the offer. The claimant
23 shall provide the construction professional and its contractors or
24 other agents reasonable access to the claimant's residence during
25 normal working hours to perform and complete the construction by the
26 timetable stated in the offer.

27 (b) The claimant and construction professional may, by written
28 mutual agreement, alter the extent of construction or the timetable
29 for completion of construction stated in the offer, including, but
30 not limited to, repair of additional defects.

31 ~~((+6+))~~ (7) Any action commenced by a claimant prior to
32 compliance with the requirements of this section shall be subject to
33 dismissal without prejudice, and may not be recommenced until the
34 claimant has complied with the requirements of this section.

35 ~~((+7+))~~ (8) Nothing in this section may be construed to prevent a
36 claimant from commencing an action on the construction defect claim
37 described in the notice of claim if the construction professional
38 fails to perform the construction agreed upon, fails to remedy the
39 defect, or fails to perform by the timetable agreed upon pursuant to
40 subsection ~~((+2+))~~ (3)(a) or ~~((+5+))~~ (6) of this section.

1 (~~((8))~~) (9) Prior to commencing any action alleging a
2 construction defect, or after the dismissal of any action without
3 prejudice pursuant to subsection (~~((6))~~) (7) of this section, the
4 claimant may amend the notice of claim to include construction
5 defects discovered after the service of the original notice of claim,
6 and must otherwise comply with the requirements of this section for
7 the additional claims. The service of an amended notice of claim
8 shall relate back to the original notice of claim for purposes of
9 tolling statutes of limitations and repose. Claims for defects
10 discovered after the commencement or recommencement of an action may
11 be added to such action only after providing notice to the
12 construction professional of the defect and allowing for response
13 under subsection (~~((2))~~) (3) of this section.

14 (10) If the claimant is an association, and notwithstanding any
15 contrary provisions in the association's governing documents, the
16 association's board of director's ability to incur expenses to
17 prepare and serve a notice of claim and any related reports and
18 otherwise comply with the requirements of this chapter shall not be
19 restricted.

20 **Sec. 5.** RCW 64.50.040 and 2002 c 323 s 5 are each amended to
21 read as follows:

22 (1)(a) In the event the board of directors, pursuant to RCW
23 64.34.304(1)(d) or 64.38.020(4), institutes an action asserting
24 defects in the construction of two or more residences, common
25 elements, or common areas, this section shall apply. For purposes of
26 this section, "action" has the same meaning as set forth in RCW
27 64.50.010.

28 (b) The board of directors shall substantially comply with the
29 provisions of this section.

30 (2)(a) Prior to the service of the summons and complaint on any
31 defendant with respect to an action governed by this section, the
32 board of directors shall mail or deliver written notice of the
33 commencement or anticipated commencement of such action to each
34 homeowner at the last known address described in the association's
35 records.

36 (b) The notice required by (a) of this subsection shall state a
37 general description of the following:

38 (i) The nature of the action and the relief sought; (~~and~~)

1 (ii) To the extent applicable, the existence of the report
2 required in RCW 64.50.020(1)(a), which shall be made available to
3 each homeowner upon request;

4 (iii) A summary of the construction professional's response
5 pursuant to RCW 64.50.020(3), if any; and

6 (iv) The expenses and fees that the board of directors
7 anticipates will be incurred in prosecuting the action.

8 (3) Nothing in this section may be construed to:

9 (a) Require the disclosure in the notice or the disclosure to a
10 unit owner of attorney-client communications or other privileged
11 communications;

12 (b) Permit the notice to serve as a basis for any person to
13 assert the waiver of any applicable privilege or right of
14 confidentiality resulting from, or to claim immunity in connection
15 with, the disclosure of information in the notice; or

16 (c) Limit or impair the authority of the board of directors to
17 contract for legal services, or limit or impair the ability to
18 enforce such a contract for legal services.

19 **Sec. 6.** RCW 64.90.250 and 2018 c 277 s 211 are each amended to
20 read as follows:

21 (1) To exercise any development right reserved under RCW
22 64.90.225(1)(~~(h)~~) (g), the declarant must prepare, execute, and
23 record any amendments to the declaration and map in accordance with
24 the requirements of RCW 64.90.245 and 64.90.285(3). The declarant is
25 the unit owner of any units created. The amendment to the declaration
26 must assign an identifying number to each new unit created and,
27 except in the case of subdivision, combination, or conversion of
28 units described in subsection (3) of this section, reallocate the
29 allocated interests among all units. The amendment must describe any
30 common elements and any limited common elements created and, in the
31 case of limited common elements, designate the unit to which each is
32 allocated to the extent required under RCW 64.90.240. The amendments
33 are effective upon recording.

34 (2) Development rights may be reserved within any real estate
35 added to the common interest community if the amendment to the
36 declaration adding that real estate includes all matters required
37 under RCW 64.90.225 and 64.90.230 and the amendment to the map
38 includes all matters required under RCW 64.90.245. This subsection

1 does not extend the time limit on the exercise of development rights
2 imposed by the declaration pursuant to RCW 64.90.225(1) (h) .

3 (3) When a declarant exercises a development right to subdivide,
4 combine, or convert a unit previously created into additional units
5 or common elements, or both:

6 (a) If the declarant converts the unit entirely into common
7 elements, the amendment to the declaration must reallocate all the
8 allocated interests of that unit among the other units as if that
9 unit had been taken by condemnation under RCW 64.90.030; or

10 (b) If the declarant subdivides the unit into two or more units,
11 whether or not any part of the unit is converted into common
12 elements, the amendment to the declaration must reallocate all the
13 allocated interests of the unit among the units created by the
14 subdivision in any reasonable manner prescribed by the declarant.

15 (4) If the declaration provides, pursuant to RCW 64.90.225(1) (h),
16 that all or a portion of the real estate is subject to a right of
17 withdrawal:

18 (a) If all the real estate is subject to withdrawal, and the
19 declaration or map or amendment to the declaration or map does not
20 describe separate portions of real estate subject to that right, none
21 of the real estate may be withdrawn if a unit in that real estate has
22 been conveyed to a purchaser; or

23 (b) If any portion of the real estate is subject to withdrawal as
24 described in the declaration or map or amendment to the declaration
25 or map, none of that portion of the real estate may be withdrawn if a
26 unit in that portion has been conveyed to a purchaser.

27 (5) If the declarant combines two or more units into a lesser
28 number of units, whether or not any part of a unit is converted into
29 common elements or common elements are converted units, the amendment
30 to the declaration must reallocate all of the allocated interests of
31 the units being combined into the unit or units created by the
32 combination in any reasonable manner prescribed by the declarant.

33 (6) A unit conveyed to a purchaser may not be withdrawn pursuant
34 to subsection (4)(a) or (b) of this section without the consent of
35 the unit owner of that unit and the holder of a security interest in
36 the unit.

37 **Sec. 7.** RCW 64.90.605 and 2018 c 277 s 402 are each amended to
38 read as follows:

1 (1) Except as provided otherwise in subsection (2) of this
2 section, a declarant required to deliver a public offering statement
3 pursuant to subsection (3) of this section must prepare a public
4 offering statement conforming to the requirements of RCW 64.90.610,
5 64.90.615, and 64.90.620.

6 (2) A declarant may transfer responsibility for preparation of
7 all or a part of the public offering statement to a successor
8 declarant or to a dealer who intends to offer units in the
9 (~~condominium~~) common interest community.

10 (3)(a) Any declarant or dealer who offers to convey a unit for
11 the person's own account to a purchaser must provide the purchaser of
12 the unit with a copy of a public offering statement and all material
13 amendments to the public offering statement before conveyance of that
14 unit.

15 (b) Any agent, attorney, or other person assisting the declarant
16 or dealer in preparing the public offering statement may rely upon
17 information provided by the declarant or dealer without independent
18 investigation. The agent, attorney, or other person is not liable for
19 any material misrepresentation in or omissions of material facts from
20 the public offering statement unless the person had actual knowledge
21 of the misrepresentation or omission at the time the public offering
22 statement was prepared.

23 (c) The declarant or dealer is liable for any misrepresentation
24 contained in the public offering statement or for any omission of
25 material fact from the public offering statement if the declarant or
26 dealer had actual knowledge of the misrepresentation or omission or,
27 in the exercise of reasonable care, should have known of the
28 misrepresentation or omission.

29 (4) If a unit is part of a common interest community and is part
30 of any other real estate regime in connection with the sale of which
31 the delivery of a public offering statement is required under the
32 laws of this state, a single public offering statement conforming to
33 the requirements of RCW 64.90.610, 64.90.615, and 64.90.620 as those
34 requirements relate to each regime in which the unit is located, and
35 to any other requirements imposed under the laws of this state, may
36 be prepared and delivered in lieu of providing two or more public
37 offering statements.

38 (5) A declarant is not required to prepare and deliver a public
39 offering statement in connection with the sale of any unit owned by
40 the declarant, or to obtain for or provide to the purchaser a report

1 or statement required under RCW 64.90.610(1)(oo), 64.90.620(1), or
2 64.90.655, upon the later of:

3 (a) The termination or expiration of all special declarant
4 rights;

5 (b) The expiration of all periods within which claims or actions
6 for a breach of warranty arising from defects involving the common
7 elements under RCW 64.90.680 must be filed or commenced,
8 respectively, by the association against the declarant; or

9 (c) The time when the declarant ceases to meet the definition of
10 a dealer under RCW 64.90.010.

11 (6) After the last to occur of any of the events described in
12 subsection (5) of this section, a declarant must deliver to the
13 purchaser of a unit owned by the declarant a resale certificate under
14 RCW 64.90.640(2) together with:

15 (a) The identification of any real property not in the common
16 interest community that unit owners have a right to use and a
17 description of the terms of such use;

18 (b) A brief description or a copy of any express construction
19 warranties to be provided to the purchaser;

20 (c) A statement of any litigation brought by an owners'
21 association, unit owner, or governmental entity in which the
22 declarant or any affiliate of the declarant has been a defendant
23 arising out of the construction, sale, or administration of any
24 common interest community within the state of Washington within the
25 previous five years, together with the results of the litigation, if
26 known;

27 (d) Whether timesharing is permitted or prohibited, and, if
28 permitted, a statement that the purchaser of a time share unit is
29 entitled to receive the disclosure document required under chapter
30 64.36 RCW; and

31 (e) Any other information and cross-references that the declarant
32 believes will be helpful in describing the common interest community
33 to the purchaser, all of which may be included or not included at the
34 option of the declarant.

35 (7) A declarant is not liable to a purchaser for the failure or
36 delay of the association to provide the resale certificate in a
37 timely manner, but the purchase contract is voidable by the purchaser
38 of a unit sold by the declarant until the resale certificate required
39 under RCW 64.90.640(2) and the information required under subsection

(6) of this section have been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 8. RCW 64.90.645 and 2021 c 260 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any earnest money deposit, as defined in RCW 64.04.005, made in connection with the right to purchase a unit from a person required to deliver a public offering statement pursuant to RCW 64.90.605(3) must be placed in escrow and held in this state in an escrow or trust account designated solely for that purpose by a licensed title insurance company or agent, a licensed attorney, a real estate broker or independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until: (a) Delivered to the declarant at closing, (b) delivered to the declarant because of the purchaser's default under a contract to purchase the unit, (c) refunded to the purchaser, or (d) delivered to a court in connection with the filing of an interpleader action.

(2)(a) If a purchase agreement for the sale of a unit provides that deposit funds may be used for construction costs and the declarant obtains and maintains a surety bond as required by this section, the declarant may withdraw escrow funds when construction of improvements has begun. The funds may be used only for actual building and construction costs of the project in which the unit is located.

(b) The bond must be issued by a surety insurer licensed in this state in favor of the purchaser in an amount adequate to cover the amount of the deposit to be withdrawn. The declarant may not withdraw more than the face amount of the bond. The bond must be payable to the purchaser if the purchaser obtains a final judgment against the declarant requiring the declarant to return the deposit pursuant to the purchase agreement. The bond may be either in the form of an individual bond for each deposit accepted by the declarant or in the form of a blanket bond assuring the return of all deposits received by the declarant.

(c) The party holding escrow funds who releases all or any portion of the funds to the declarant has no obligation to monitor the progress of construction or the expenditure of the funds by the declarant and is not liable to any purchaser for the release of funds pursuant to this section.

1 (3) ((A)) The amount of deposit ((under)) funds that may be used
2 pursuant to subsection (2) of this section may not exceed five
3 percent of the purchase price.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 82.45
5 RCW to read as follows:

6 (1) The down payment assistance account is created in the custody
7 of the state treasurer. Receipts from the real estate excise tax on
8 sales of condominiums or townhouses to persons using a down payment
9 assistance program offered by the Washington state housing finance
10 commission must be deposited in the account, as provided in
11 subsection (2) of this section. Expenditures from the account may be
12 used only for payment toward a person's down payment assistance loan
13 that was used to purchase a condominium or townhouse for which the
14 tax was collected. Only the Washington state housing finance
15 commission or the commission's designee may authorize expenditures
16 from the account. The account is subject to allotment procedures
17 under chapter 43.88 RCW, but an appropriation is not required for
18 expenditures.

19 (2)(a) Beginning June 15, 2024, and each June 15th thereafter,
20 the department must notify the economic and revenue forecast council
21 of the total amount received under RCW 82.45.060 from sales of
22 condominiums or townhouses to persons using a down payment assistance
23 program offered by the Washington state housing finance commission
24 during the prior calendar year.

25 (b) Beginning in fiscal year 2025, and each fiscal year
26 thereafter, the legislature must appropriate from the general fund to
27 this account the lesser of (i) the amount received under RCW
28 82.45.060 on sales of condominiums or townhouses to persons using a
29 down payment assistance program offered by the Washington state
30 housing finance commission during the prior calendar year, as
31 determined under (a) of this subsection, or (ii) \$250,000 per fiscal
32 year.

33 (c) On or before March 1, 2024, and each March 1st thereafter,
34 the Washington state housing finance commission must provide the
35 department with the following information for each sale of a
36 condominium or townhouse to a person using a down payment assistance
37 program offered by the Washington state housing finance commission
38 that occurred during the prior calendar year:

(i) The real estate excise tax affidavit number associated with the sale;

(ii) The date of sale;

(iii) The parcel number of the property sold;

(iv) The street address of the property sold;

(v) The county in which the property sold is located;

(vi) The full legal name of the seller, or sellers, as shown on the real estate excise tax affidavit;

(vii) The full legal name of the buyer, or buyers, as shown on the real estate excise tax affidavit; and

(viii) Any additional information the department may require to verify the property sold is a condominium or townhouse sold to persons using a down payment assistance program offered by the Washington state housing finance commission.

(d) For the purposes of this subsection, "townhouse" means dwelling units constructed in a row of two or more attached units where each dwelling unit shares at least one common wall with an adjacent unit and is accessed by a separate outdoor entrance.

(3) This section expires January 1, 2034.

Sec. 10. RCW 82.02.060 and 2021 c 72 s 1 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of

1 user fees, debt service payments, taxes, or other payments earmarked
2 for or proratable to the particular system improvement;

3 (c) The availability of other means of funding public facility
4 improvements;

5 (d) The cost of existing public facilities improvements; and

6 (e) The methods by which public facilities improvements were
7 financed;

8 (2) May provide an exemption for low-income housing, and other
9 development activities with broad public purposes, including
10 development of an early learning facility, from these impact fees,
11 provided that the impact fees for such development activity shall be
12 paid from public funds other than impact fee accounts;

13 (3)(a) May not impose an impact fee on development activities of
14 an early learning facility greater than that imposed on commercial
15 retail or commercial office development activities that generate a
16 similar number, volume, type, and duration of vehicle trips;

17 (b) When a facility or development has more than one use, the
18 limitations in this subsection (3) or the exemption applicable to an
19 early learning facility in subsections (2) and (4) of this section
20 only apply to that portion that is developed as an early learning
21 facility. The impact fee assessed on an early learning facility in
22 such a development or facility may not exceed the least of the impact
23 fees assessed on comparable businesses in the facility or
24 development;

25 (4) May provide an exemption from impact fees for low-income
26 housing or for early learning facilities. Local governments that
27 grant exemptions for low-income housing or for early learning
28 facilities under this subsection (4) may either: Grant a partial
29 exemption of not more than eighty percent of impact fees, in which
30 case there is no explicit requirement to pay the exempted portion of
31 the fee from public funds other than impact fee accounts; or provide
32 a full waiver, in which case the remaining percentage of the exempted
33 fee must be paid from public funds other than impact fee accounts,
34 except as provided in (b) of this subsection. These exemptions are
35 subject to the following requirements:

36 (a) An exemption for low-income housing granted under subsection
37 (2) of this section or this subsection (4) must be conditioned upon
38 requiring the developer to record a covenant that, except as provided
39 otherwise by this subsection, prohibits using the property for any
40 purpose other than for low-income housing. At a minimum, the covenant

1 must address price restrictions and household income limits for the
2 low-income housing, and that if the property is converted to a use
3 other than for low-income housing, the property owner must pay the
4 applicable impact fees in effect at the time of conversion;

5 (b) An exemption for early learning facilities granted under
6 subsection (2) of this section or this subsection (4) may be a full
7 waiver without an explicit requirement to pay the exempted portion of
8 the fee from public funds other than impact fee accounts if the local
9 government requires the developer to record a covenant that requires
10 that at least 25 percent of the children and families using the early
11 learning facility qualify for state subsidized child care, including
12 early childhood education and assistance under chapter 43.216 RCW,
13 and that provides that if the property is converted to a use other
14 than for an early learning facility, the property owner must pay the
15 applicable impact fees in effect at the time of conversion, and that
16 also provides that if at no point during a calendar year does the
17 early learning facility achieve the required percentage of children
18 and families qualified for state subsidized child care using the
19 early learning facility, the property owner must pay 20 percent of
20 the impact fee that would have been imposed on the development had
21 there not been an exemption within 90 days of the local government
22 notifying the property owner of the breach, and any balance remaining
23 thereafter shall be a lien on the property; and

24 (c) Covenants required by (a) and (b) of this subsection must be
25 recorded with the applicable county auditor or recording officer. A
26 local government granting an exemption under subsection (2) of this
27 section or this subsection (4) for low-income housing or an early
28 learning facility may not collect revenue lost through granting an
29 exemption by increasing impact fees unrelated to the exemption. A
30 school district who receives school impact fees must approve any
31 exemption under subsection (2) of this section or this subsection
32 (4);

33 (5) Shall provide a credit for the value of any dedication of
34 land for, improvement to, or new construction of any system
35 improvements provided by the developer, to facilities that are
36 identified in the capital facilities plan and that are required by
37 the county, city, or town as a condition of approving the development
38 activity;

39 (6) Shall allow the county, city, or town imposing the impact
40 fees to adjust the standard impact fee at the time the fee is imposed

1 to consider unusual circumstances in specific cases to ensure that
2 impact fees are imposed fairly;

3 (7) Shall include a provision for calculating the amount of the
4 fee to be imposed on a particular development that permits
5 consideration of studies and data submitted by the developer to
6 adjust the amount of the fee;

7 (8) Shall establish one or more reasonable service areas within
8 which it shall calculate and impose impact fees for various land use
9 categories per unit of development; ~~((and))~~

10 (9) May provide for the imposition of an impact fee for system
11 improvement costs previously incurred by a county, city, or town to
12 the extent that new growth and development will be served by the
13 previously constructed improvements provided such fee shall not be
14 imposed to make up for any system improvement deficiencies; and

15 (10) Must adopt or amend by ordinance, and incorporate into their
16 development regulations, zoning regulations, and other official
17 controls the requirements of this section to take effect six months
18 after the jurisdiction's next periodic comprehensive plan update
19 required under RCW 36.70A.130.

20 For purposes of this section, "low-income housing" means housing
21 with a monthly housing expense, that is no greater than thirty
22 percent of eighty percent of the median family income adjusted for
23 family size, for the county where the project is located, as reported
24 by the United States department of housing and urban development.

25 For the purposes of this section, "early learning facility" has
26 the same meaning as in RCW 43.31.565.

27 **Sec. 11.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each
28 amended to read as follows:

29 (1) The legislative body of a city, town, or county shall adopt
30 regulations and procedures, and appoint administrative personnel for
31 the summary approval of short plats and short subdivisions or
32 alteration or vacation thereof. When an alteration or vacation
33 involves a public dedication, the alteration or vacation shall be
34 processed as provided in RCW 58.17.212 or 58.17.215. Such regulations
35 shall be adopted by ordinance and shall provide that a short plat and
36 short subdivision may be approved only if written findings that are
37 appropriate, as provided in RCW 58.17.110, are made by the
38 administrative personnel, and may contain wholly different
39 requirements than those governing the approval of preliminary and

1 final plats of subdivisions and may require surveys and
2 monumentations and shall require filing of a short plat, or
3 alteration or vacation thereof, for record in the office of the
4 county auditor: PROVIDED, That such regulations must contain a
5 requirement that land in short subdivisions may not be further
6 divided in any manner within a period of five years without the
7 filing of a final plat, except that when the short plat contains
8 fewer than four parcels, nothing in this section shall prevent the
9 owner who filed the short plat from filing an alteration within the
10 five-year period to create up to a total of four lots within the
11 original short plat boundaries: PROVIDED FURTHER, That such
12 regulations are not required to contain a penalty clause as provided
13 in RCW 36.32.120 and may provide for wholly injunctive relief.

14 An ordinance requiring a survey shall require that the survey be
15 completed and filed with the application for approval of the short
16 subdivision.

17 (2) Cities, towns, and counties shall include in their short plat
18 regulations and procedures pursuant to subsection (1) of this section
19 provisions for considering sidewalks and other planning features that
20 assure safe walking conditions for students who walk to and from
21 school.

22 (3) All cities, towns, and counties shall include in their short
23 plat regulations procedures for unit lot subdivisions allowing
24 division of a parent lot into separately owned unit lots. Portions of
25 the parent lot not subdivided for individual unit lots shall be owned
26 in common by the owners of the individual unit lots, or by a
27 homeowners' association comprised of the owners of the individual
28 unit lots.

29 **Sec. 12.** RCW 64.55.160 and 2005 c 456 s 17 are each amended to
30 read as follows:

31 (1) On or before the (~~sixtieth~~) 60th day following completion
32 of the mediation pursuant to RCW 64.55.120(4) and following filing
33 and service of the complaint, the declarant, association, or party
34 unit owner may serve on an adverse party an offer to allow judgment
35 to be entered. The offer of judgment shall specify the amount of
36 damages, not including costs or fees, that the declarant,
37 association, or party unit owner is offering to pay or receive. A
38 declarant's offer shall also include its commitment to pay costs and
39 fees that may be awarded as provided in this section. The declarant,

1 association, or party unit owner may make more than one offer of
2 judgment so long as each offer is timely made. Each subsequent offer
3 supersedes and replaces the previous offer. Any offer not accepted
4 within (~~(twenty-one)~~) 21 days of the service of that offer is deemed
5 rejected and withdrawn and evidence thereof is not admissible and may
6 not be provided to the court or arbitrator except in a proceeding to
7 determine costs and fees or as part of the motion identified in
8 subsection (2) of this section.

9 (2) A declarant's offer must include a demonstration of ability
10 to pay damages, costs, and fees, including reasonable attorneys'
11 fees, within thirty days of acceptance of the offer of judgment. The
12 demonstration of ability to pay shall include a sworn statement
13 signed by the declarant, the attorney representing the declarant,
14 and, if any insurance proceeds will be used to fund any portion of
15 the offer, an authorized representative of the insurance company. If
16 the association or party unit owner disputes the adequacy of the
17 declarant's demonstration of ability to pay, the association or party
18 unit owner may file a motion with the court requesting a ruling on
19 the adequacy of the declarant's demonstration of ability to pay. Upon
20 filing of such motion, the deadline for a response to the offer shall
21 be tolled from the date the motion is filed until the court has
22 ruled.

23 (3) An association or party unit owner that accepts the
24 declarant's offer of judgment shall be deemed the prevailing party
25 and, in addition to recovery of the amount of the offer, shall be
26 entitled to a costs and fees award, including reasonable attorneys'
27 fees, in an amount to be determined by the court in accordance with
28 applicable law.

29 (4) If the amount of the final nonappealable or nonappealed
30 judgment, exclusive of costs or fees, is not more favorable to the
31 offeree than the offer of judgment, then the offeror is deemed the
32 prevailing party for purposes of this section only and is entitled to
33 an award of costs and fees, including reasonable attorneys' fees,
34 incurred after the date the last offer of judgment was rejected and
35 through the date of entry of a final nonappealable or nonappealed
36 judgment, in an amount to be determined by the court in accordance
37 with applicable law. The nonprevailing party shall not be entitled to
38 receive any award of costs and fees.

39 (5) If the final nonappealable or nonappealed judgment on
40 damages, not including costs or fees, is more favorable to the

1 offeree than the last offer of judgment, then the court shall
2 determine which party is the prevailing party and shall determine the
3 amount of the costs and fees award, including reasonable attorneys'
4 fees, in accordance with applicable law.

5 (6) Notwithstanding any other provision in this section, with
6 respect to claims brought by an association or unit owner, the
7 liability for declarant's costs and fees, including reasonable
8 attorneys' fees, shall:

9 (a) With respect to claims brought by an association, not exceed
10 five percent of the assessed value of the condominium as a whole,
11 which is determined by the aggregate tax-assessed value of all units
12 at the time of the award; and

13 (b) With respect to claims brought by a party unit owner, not
14 exceed five percent of the assessed value of the unit at the time of
15 the award.

16 NEW SECTION. **Sec. 13.** Sections 3 through 5 of this act apply
17 only to construction defect claims commenced after the effective date
18 of this section.

19 NEW SECTION. **Sec. 14.** Section 9 of this act takes effect
20 January 1, 2024.

Passed by the Senate April 21, 2023.

Passed by the House April 20, 2023.

Approved by the Governor May 8, 2023.

Filed in Office of Secretary of State May 10, 2023.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1337

Chapter 334, Laws of 2023

(partial veto)

68th Legislature
2023 Regular Session

GROWTH MANAGEMENT ACT—ACCESSORY DWELLING UNITS—URBAN GROWTH AREAS

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 85 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2023
Yeas 39 Nays 7

DENNY HECK

President of the Senate

Approved May 8, 2023 1:13 PM with the
exception of section 5, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 1337 as passed
by the House of Representatives and
the Senate on the dates hereon set
forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1337

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri, and Stonier

Read first time 01/16/23. Referred to Committee on Housing.

1 AN ACT Relating to expanding housing options by easing barriers
2 to the construction and use of accessory dwelling units; amending RCW
3 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to
4 chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding
5 a new section to chapter 64.32 RCW; adding a new section to chapter
6 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new
7 section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400,
8 36.70.677, and 43.63A.215.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
11 findings:

12 (a) Washington state is experiencing a housing affordability
13 crisis. Many communities across the state are in need of more housing
14 for renters across the income spectrum.

15 (b) Many cities dedicate the majority of residentially zoned land
16 to single detached houses that are increasingly financially out of
17 reach for many households. Due to their smaller size, accessory
18 dwelling units can provide a more affordable housing option in those
19 single-family zones.

20 (c) Localities can start to correct for historic economic and
21 racial exclusion in single-family zones by opening up these

1 neighborhoods to more diverse housing types, including accessory
2 dwelling units, that provide lower cost homes. Increasing housing
3 options in expensive, high-opportunity neighborhoods will give more
4 families access to schools, parks, and other public amenities
5 otherwise accessible to only the wealthy.

6 (d) Accessory dwelling units are frequently rented below market
7 rate, providing additional affordable housing options for renters.

8 (e) Accessory dwelling units can also help to provide housing for
9 very low-income households. More than 10 percent of accessory
10 dwelling units in some areas are occupied by tenants who pay no rent
11 at all; among these tenants are grandparents, adult children, family
12 members with disabilities, friends going through life transitions,
13 and community members in need. Accessory dwelling units meet the
14 needs of these people who might otherwise require subsidized housing
15 space and resources.

16 (f) Accessory dwelling units can meet the needs of Washington's
17 growing senior population, making it possible for this population to
18 age in their communities by offering senior-friendly housing, which
19 prioritizes physical accessibility, in walkable communities near
20 amenities essential to successful aging in place, including transit
21 and grocery stores, without requiring costly renovations of existing
22 housing stock.

23 (g) Homeowners who add an accessory dwelling unit may benefit
24 from added income and an increased sense of security.

25 (h) Accessory dwelling units provide environmental benefits. On
26 average they are more energy efficient than single detached houses,
27 and they incentivize adaptive reuse of existing homes and materials.

28 (i) Siting accessory dwelling units near transit hubs, employment
29 centers, and public amenities can help to reduce greenhouse gas
30 emissions by increasing walkability, shortening household commutes,
31 and curtailing sprawl.

32 (2) The legislature intends to promote and encourage the creation
33 of accessory dwelling units as a means to address the need for
34 additional affordable housing options.

35 **Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to
36 read as follows:

37 The definitions in this section apply throughout RCW 36.70A.697
38 ~~((and)),~~ 36.70A.698, and sections 3 and 4 of this act unless the
39 context clearly requires otherwise.

1 (1) "Accessory dwelling unit" means a dwelling unit located on
2 the same lot as a single-family housing unit, duplex, triplex,
3 townhome, or other housing unit.

4 (2) "Attached accessory dwelling unit" means an accessory
5 dwelling unit located within or attached to a single-family housing
6 unit, duplex, triplex, townhome, or other housing unit.

7 (3) "City" means any city, code city, and town located in a
8 county planning under RCW 36.70A.040.

9 (4) "County" means any county planning under RCW 36.70A.040.

10 (5) "Detached accessory dwelling unit" means an accessory
11 dwelling unit that consists partly or entirely of a building that is
12 separate and detached from a single-family housing unit, duplex,
13 triplex, townhome, or other housing unit and is on the same property.

14 (6) "Dwelling unit" means a residential living unit that provides
15 complete independent living facilities for one or more persons and
16 that includes permanent provisions for living, sleeping, eating,
17 cooking, and sanitation.

18 (7) "Gross floor area" means the interior habitable area of a
19 dwelling unit including basements and attics but not including a
20 garage or accessory structure.

21 (8) "Major transit stop" means:

22 (a) A stop on a high capacity transportation system funded or
23 expanded under the provisions of chapter 81.104 RCW;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems, including
26 transitways;

27 (d) Stops on bus rapid transit routes or routes that run on high
28 occupancy vehicle lanes; or

29 (e) Stops for a bus or other transit mode providing actual fixed
30 route service at intervals of at least fifteen minutes for at least
31 five hours during the peak hours of operation on weekdays.

32 ~~((+8))~~ (9) "Owner" means any person who has at least 50 percent
33 ownership in a property on which an accessory dwelling unit is
34 located.

35 ~~((+9))~~ (10) "Principal unit" means the single-family housing
36 unit, duplex, triplex, townhome, or other housing unit located on the
37 same lot as an accessory dwelling unit.

38 (11) "Short-term rental" means a lodging use, that is not a hotel
39 or motel or bed and breakfast, in which a dwelling unit, or portion

thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and section 4 of this act supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or section 4 of this act requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in section 4 of this act prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of

1 such regulations would be contrary to this section or to section 4 of
2 this act;

3 (d) Prohibiting the construction of accessory dwelling units on
4 lots that are not connected to or served by public sewers; or

5 (e) Prohibiting or restricting the construction of accessory
6 dwelling units in residential zones with a density of one dwelling
7 unit per acre or less that are within areas designated as wetlands,
8 fish and wildlife habitats, flood plains, or geologically hazardous
9 areas.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 (1) In addition to ordinances, development regulations, and other
13 official controls adopted or amended to comply with this section and
14 section 3 of this act, a city or county must comply with all of the
15 following policies:

16 (a) The city or county may not assess impact fees on the
17 construction of accessory dwelling units that are greater than 50
18 percent of the impact fees that would be imposed on the principal
19 unit;

20 (b) The city or county may not require the owner of a lot on
21 which there is an accessory dwelling unit to reside in or occupy the
22 accessory dwelling unit or another housing unit on the same lot;

23 (c) The city or county must allow at least two accessory dwelling
24 units on all lots that are located in all zoning districts within an
25 urban growth area that allow for single-family homes in the following
26 configurations:

27 (i) One attached accessory dwelling unit and one detached
28 accessory dwelling unit;

29 (ii) Two attached accessory dwelling units; or

30 (iii) Two detached accessory dwelling units, which may be
31 comprised of either one or two detached structures;

32 (d) The city or county must permit accessory dwelling units in
33 structures detached from the principal unit;

34 (e) The city or county must allow an accessory dwelling unit on
35 any lot that meets the minimum lot size required for the principal
36 unit;

37 (f) The city or county may not establish a maximum gross floor
38 area requirement for accessory dwelling units that is less than 1,000
39 square feet;

1 (g) The city or county may not establish roof height limits on an
2 accessory dwelling unit of less than 24 feet, unless the height
3 limitation that applies to the principal unit is less than 24 feet,
4 in which case a city or county may not impose roof height limitation
5 on accessory dwelling units that is less than the height limitation
6 that applies to the principal unit;

7 (h) A city or county may not impose setback requirements, yard
8 coverage limits, tree retention mandates, restrictions on entry door
9 locations, aesthetic requirements, or requirements for design review
10 for accessory dwelling units that are more restrictive than those for
11 principal units;

12 (i) A city or county must allow detached accessory dwelling units
13 to be sited at a lot line if the lot line abuts a public alley,
14 unless the city or county routinely plows snow on the public alley;

15 (j) A city or county must allow accessory dwelling units to be
16 converted from existing structures, including but not limited to
17 detached garages, even if they violate current code requirements for
18 setbacks or lot coverage;

19 (k) A city or county may not prohibit the sale or other
20 conveyance of a condominium unit independently of a principal unit
21 solely on the grounds that the condominium unit was originally built
22 as an accessory dwelling unit; and

23 (l) A city or county may not require public street improvements
24 as a condition of permitting accessory dwelling units.

25 (2)(a) A city or county subject to the requirements of this
26 section may not:

27 (i) Require off-street parking as a condition of permitting
28 development of accessory dwelling units within one-half mile walking
29 distance of a major transit stop;

30 (ii) Require more than one off-street parking space per unit as a
31 condition of permitting development of accessory dwelling units on
32 lots smaller than 6,000 square feet before any zero lot line
33 subdivisions or lot splits; and

34 (iii) Require more than two off-street parking spaces per unit as
35 a condition of permitting development of accessory dwelling units on
36 lots greater than 6,000 square feet before any zero lot line
37 subdivisions or lot splits.

38 (b) The provisions of (a) of this subsection do not apply:

39 (i) If a local government submits to the department an empirical
40 study prepared by a credentialed transportation or land use planning

expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

***NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:**

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if:

(1) The units are located within an urban growth area; and

(2) The units are subject to a program adopted by the city or county with effective binding commitments or covenants that the units will be primarily utilized for long-term housing consistent with the public purpose for this authorization.

****Sec. 5 was vetoed. See message at end of chapter.***

Sec. 6. RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

1 (1) Adoption of ordinances, development regulations and
2 amendments to such regulations, and other nonproject actions taken by
3 a city to implement: The actions specified in section 2, chapter 246,
4 Laws of 2022 unless the adoption of such ordinances, development
5 regulations and amendments to such regulations, or other nonproject
6 actions has a probable significant adverse impact on fish habitat;
7 and the increased residential building capacity actions identified in
8 RCW 36.70A.600(1), with the exception of the action specified in RCW
9 36.70A.600(1)(f), are not subject to administrative or judicial
10 appeals under this chapter.

11 (2) Adoption of ordinances, development regulations and
12 amendments to such regulations, and other nonproject actions taken by
13 a city or county consistent with the requirements of sections 3 and 4
14 of this act are not subject to administrative or judicial appeals
15 under this chapter.

16 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
17 read as follows:

18 (1) The growth management hearings board shall hear and determine
19 only those petitions alleging either:

20 (a) That, except as provided otherwise by this subsection, a
21 state agency, county, or city planning under this chapter is not in
22 compliance with the requirements of this chapter, chapter 90.58 RCW
23 as it relates to the adoption of shoreline master programs or
24 amendments thereto, or chapter 43.21C RCW as it relates to plans,
25 development regulations, or amendments, adopted under RCW 36.70A.040
26 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
27 to hear petitions alleging noncompliance ~~((with RCW 36.70A.5801))~~
28 based on a city or county's actions taken to implement the
29 requirements of sections 3 and 4 of this act within an urban growth
30 area;

31 (b) That the ~~((twenty-))~~ 20-year growth management planning
32 population projections adopted by the office of financial management
33 pursuant to RCW 43.62.035 should be adjusted;

34 (c) That the approval of a work plan adopted under RCW
35 36.70A.735(1)(a) is not in compliance with the requirements of the
36 program established under RCW 36.70A.710;

37 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
38 regionally applicable and cannot be adopted, wholly or partially, by
39 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that plans under this chapter; (b) a person who has
5 participated orally or in writing before the county or city regarding
6 the matter on which a review is being requested; (c) a person who is
7 certified by the governor within (~~sixty~~) 60 days of filing the
8 request with the board; or (d) a person qualified pursuant to RCW
9 34.05.530.

10 (3) For purposes of this section "person" means any individual,
11 partnership, corporation, association, state agency, governmental
12 subdivision or unit thereof, or public or private organization or
13 entity of any character.

14 (4) To establish participation standing under subsection (2)(b)
15 of this section, a person must show that his or her participation
16 before the county or city was reasonably related to the person's
17 issue as presented to the board.

18 (5) When considering a possible adjustment to a growth management
19 planning population projection prepared by the office of financial
20 management, the board shall consider the implications of any such
21 adjustment to the population forecast for the entire state.

22 The rationale for any adjustment that is adopted by the board
23 must be documented and filed with the office of financial management
24 within ten working days after adoption.

25 If adjusted by the board, a county growth management planning
26 population projection shall only be used for the planning purposes
27 set forth in this chapter and shall be known as the "board adjusted
28 population projection." None of these changes shall affect the
29 official state and county population forecasts prepared by the office
30 of financial management, which shall continue to be used for state
31 budget and planning purposes.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A
33 RCW to read as follows:

34 (1) By December 31, 2023, the department must revise its
35 recommendations for encouraging accessory dwelling units to include
36 the provisions of sections 3 and 4 of this act.

37 (2) During each comprehensive plan review required by RCW
38 36.70A.130, the department must review local government comprehensive
39 plans and development regulations for compliance with sections 3 and

1 4 of this act and the department's recommendations under subsection
2 (1) of this section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 64.34
4 RCW to read as follows:

5 (1) Except a declaration created to protect public health and
6 safety, and ground and surface waters from on-site wastewater, a
7 declaration created after the effective date of this section and
8 applicable to a property located within an urban growth area may not
9 impose any restriction or prohibition on the construction,
10 development, or use on a lot of an accessory dwelling unit that the
11 city or county in which the urban growth area is located would be
12 prohibited from imposing under section 4 of this act.

13 (2) For the purposes of this section, "urban growth area" has the
14 same meaning as in RCW 36.70A.030.

15 (3) A city or county issuing a permit for the construction of an
16 accessory dwelling unit may not be held civilly liable on the basis
17 that the construction of the accessory dwelling unit would violate a
18 restrictive covenant or deed restriction.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 64.32
20 RCW to read as follows:

21 (1) Except a declaration created to protect public health and
22 safety, and ground and surface waters from on-site wastewater, a
23 declaration created after the effective date of this section and
24 applicable to a property located within an urban growth area may not
25 impose any restriction or prohibition on the construction,
26 development, or use on a lot of an accessory dwelling unit that the
27 city or county in which the urban growth area is located would be
28 prohibited from imposing under section 4 of this act.

29 (2) For the purposes of this section, "urban growth area" has the
30 same meaning as in RCW 36.70A.030.

31 (3) A city or county issuing a permit for the construction of an
32 accessory dwelling unit may not be held civilly liable on the basis
33 that the construction of the accessory dwelling unit would violate a
34 restrictive covenant or deed restriction.

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 64.38
36 RCW to read as follows:

(1) Except governing documents of associations created to protect public health and safety, and ground and surface waters from on-site wastewater, governing documents of associations created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. **Sec. 12.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Except declarations and governing documents of common interest communities created to protect public health and safety, and ground and surface waters from on-site wastewater, declarations and governing documents of common interest communities created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

(2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

(3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

1 (4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and
2 (5) RCW 43.63A.215 (Accessory apartments—Development and
3 placement—Local governments) and 1993 c 478 s 7.

Passed by the House April 14, 2023.

Passed by the Senate April 6, 2023.

Approved by the Governor May 8, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 5, Engrossed House Bill No. 1337 entitled:

"AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units."

Section 5 of the bill gives local governments authority to waive or defer fees, defer payment of taxes, or waive other regulations for the development of accessory dwelling units (ADUs) if specified conditions are met. The specified conditions are that the ADU must be located within an urban growth area, and the ADU must be subject to a locally adopted covenant program ensuring that the ADU will be primarily utilized for long-term housing. Current law allows local governments to waive fees, taxes, and to establish various incentives for the construction of ADUs without requiring the creation of a local covenant program. The administrative costs necessary to administer a new covenant program for ADUs may cause some cities to discontinue current incentive programs.

For these reasons I have vetoed Section 5 of Engrossed House Bill No. 1337.

With the exception of Section 5, Engrossed House Bill No. 1337 is approved."

--- END ---

1		Title 4
2		IMPACT FEES
3	Chapters:	
4	4.05	Deferral of Impact Fees
5	4.10	School Impact Fees
6	4.20	Park Impact Fees
7	4.30	Traffic Impact Fees
8	4.40	Impact Fee Exemptions for Low Income Housing

Chapter 4.05

DEFERRAL OF IMPACT FEES

Sections:

- 4.05.010 Authority.
- 4.05.015 Impact fee payment deferral.
- 4.05.020 Definitions.
- 4.05.030 Administrative fees.
- 4.05.040 Limitation.
- 4.05.050 Impact fee deferral request.
- 4.05.060 Deferral period.
- 4.05.070 Lien.
- 4.05.080 Final inspection withheld.
- 4.05.090 Release of lien.

4.05.010 Authority.

This chapter is adopted in accordance with Engrossed Senate Bill (ESB) 5923 and shall be reasonable construed in a manner consistent therewith.

4.05.015 Impact fee payment deferral.

Payment of impact fees for new single-family detached or attached residential construction assessed under any chapter of this title may, at the election of an applicant for impact fee deferral, be deferred in accordance with the provisions of this chapter.

4.05.020 Definitions.

For purposes of this chapter, the following terms shall have the indicated meanings below:

A. "Applicant for impact fee deferral" means an applicant for a building permit who also seeks deferral of impact fee payment pursuant to this chapter. An applicant for impact fee deferral includes without limitation an entity that controls the applicant, is controlled by the applicant, or is under the common control with the applicant.

B. "Final inspection" means the city's signed approval of the final inspection under EMC Title 15 authorizing the use and/or occupancy of a single-family detached or attached residence.

4.05.030 Administrative fees.

For each new single-family residence for which an impact fee payment deferral is sought, the applicant for impact fee deferral shall simultaneously remit an administrative fee to the city to help defray the city's expenses in processing and monitoring such application. The amount of the administrative fee shall be as set forth in the city of Edgewood fee schedule.

4.05.040 Limitation.

Each applicant for impact fee deferral is entitled annually (per calendar year) to obtain deferral for only the first 20 single-family residential construction building permits applied for by that applicant.

4.05.050 Impact fee deferral request.

An impact fee payment deferral request pursuant to this chapter shall be submitted to the community development director prior to building permit issuance on an application form prescribed by the city. A separate application form shall be required for each building permit for which impact fee payment deferral is requested.

4.05.060 Deferral period.

Impact fee payments may be deferred to the date of final inspection or up to 18 months from the date of building permit issuance, whichever occurs first.

4.05.070 Lien.

A. An applicant for impact fee deferral shall grant and record in favor of the city a lien in a form approved by the city attorney in the amount of the deferred impact fee. The content, form, enforcement and procedure of the lien shall be in accordance with RCW 82.02.050. Proof that such lien has been recorded against the title of the subject property shall be submitted to the city before building permit issuance.

B. Recording of the lien shall be at the sole expense of the applicant for impact fee deferral.

4.05.080 Final inspection withheld.

The city shall withhold final inspection of the single-family residence until the deferred impact fees are paid and collected.

4.05.090 Release of lien.

Upon written request following full payment of impact fees that have been deferred pursuant to this chapter, the city shall execute a written release of the lien recorded pursuant to this chapter. The release shall be in a form approved by the city attorney and shall be recorded against the title of the subject property by and at the expense of the current landowner.

Chapter 4.10

SCHOOL IMPACT FEES

Sections:

- 4.10.010 Authority.
- 4.10.020 Definitions.
- 4.10.030 Exemptions.
- 4.10.040 Interlocal agreement between the city and districts.
- 4.10.050 Exemptions – Low-income housing.
- 4.10.060 Submission of each district's capital facilities plan and data.
- 4.10.070 Annual council review.
- 4.10.080 Impact fee program elements.
- 4.10.090 Fee calculations.
- 4.10.100 Fee collection.
- 4.10.110 Imposition of impact fees.
- 4.10.120 Determination of the fee, adjustments, exceptions and appeals.
- 4.10.130 Impact fee accounts and refunds.

4.10.010 Authority.

This chapter is adopted as an official control to implement Edgewood's comprehensive plan policies, the Growth Management Act, RCW 82.02.050 through 82.02.100; and the State Subdivision Act, Chapter 58.17 RCW. This chapter is also necessary to address identified impacts of new development on schools, in order to protect the public health, safety and welfare.

4.10.020 Definitions.

For purposes of this chapter, the following terms have the indicated meanings:

A. "Capacity" means the number of students each district's facilities can accommodate district-wide, based on the district's standard of service, as determined by each district.

B. "Capital facilities plan" means each district's facilities plan adopted by the school board(s) consisting of:

1. A forecast of future needs for school facilities based on each district's enrollment projections;
2. An identification of additional demands placed on existing public facilities by new development;
3. The long-range construction and capital improvement projects of the districts;
4. The schools under construction or expansion;
5. The proposed locations and capacities of expanded or new school facilities;
6. An inventory of existing school facilities, including permanent, transitional and relocatable facilities;
7. At least a six-year financing component, updated as necessary to maintain at least a six-year forecast period, for financing needed for school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters;
8. An identification of deficiencies in school facilities serving the student populations and the means by which existing deficiencies will be eliminated within a reasonable period of time; and
9. Any other long-range projects planned by the districts.

C. "City" means the city of Edgewood.

- 1 D. “Classrooms” mean educational facilities of each district required to house students for its basic educational
2 program. The classrooms are those facilities the districts determine are necessary to best serve its student population.
3 Specialized facilities as identified by the districts, including but not limited to gymnasiums, cafeterias, libraries,
4 administrative offices, and child care centers, shall not be counted as classrooms.
- 5 E. “Construction cost per student” means the estimated cost of construction of a permanent school facility in each
6 district for the grade span of school to be provided, as a function of each district’s design standard per grade span.
- 7 F. “Design standard” means the space required, by grade span and taking into account the requirements of students
8 with special needs, which is needed in order to fulfill the educational goals of the districts as identified in each
9 district’s capital facilities plan.
- 10 G. “District(s)” means Puyallup School District No. 3; Fife School District No. 417; and Sumner School District No.
11 320.
- 12 H. “Developer” means the person or entity who owns or holds purchase options or other development control over
13 property for which development activity is proposed.
- 14 I. “Development activity” means any residential construction or expansion of a residential building, structure or use,
15 any change in use of a residential building or structure, or any change in the use of residential land that creates
16 additional demand for school facilities.
- 17 J. “Dwelling unit” means a dwelling unit as defined in EMC Title 18.
- 18 K. “Elderly” means a person aged 62 or older.
- 19 L. “Encumbered” means impact fees identified by each district as being committed as part of the funding for a
20 school facility for which the publicly funded share has been assured or building permits sought or construction
21 contracts let.
- 22 M. “Interlocal agreement” means the agreement between each district and the city, governing the operation of the
23 school impact fee program and describing the relationship, duties and liabilities of the parties.
- 24 N. “Grade span” means the categories into which each district groups its grade of students; i.e., elementary, middle
25 or junior high school, and high school.
- 26 O. “Impact fee” means a payment of money imposed upon development as a condition of development approval to
27 pay for school facilities needed to serve new growth and development, that is reasonably related to the new
28 development that creates additional demand and need for public facilities, that is a proportionate share of the cost of
29 the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact fee” does
30 not include a reasonable permit or application fee.
- 31 P. “Impact fee schedule” means the table of impact fees to be charged per unit of development, computed by the
32 formula adopted under this chapter, indicating the standard fee amount per dwelling unit that shall be paid as a
33 condition of residential development within the city.
- 34 Q. “Low-income and moderate-income housing” means housing affordable under federal standards to households
35 with annual incomes at or below 80 percent of the county median income.
- 36 R. “Permanent facilities” means facilities of the districts with a fixed foundation which are not relocatable facilities.
- 37 S. “Relocatable facilities” means any factory-built structure, transportable in one or more sections that is designed to
38 be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of
39 service areas within each district or to cover the gap between the time that families move into new residential
40 developments and the date that construction is completed on permanent school facilities.

1 T. “Relocatable facilities cost per student” means the estimated cost of purchasing and siting a relocatable facility in
2 any of the districts for the grade span of school to be provided, as a function of the district’s design standard per
3 grade span.

4 U. “Site cost per student” means the estimated cost of a site in any of the districts for the grade span of school to be
5 provided, as a function of the district’s design standard per grade span.

6 V. “Standard of service” means the standard adopted by each district which identifies the program year, the class
7 size by grade span and taking into account the requirements of students with special needs, the number of
8 classrooms, the types of facilities each district believes will best serve its student population, and other factors as
9 identified by the districts. Each district’s standard of service shall not be adjusted for any portion of the classrooms
10 housed in relocatable facilities which are used as transitional facilities or any other specialized facilities housed in
11 relocatable facilities.

12 W. “Student factor” means the number derived by each district to describe how many students of each grade span
13 are expected to be generated by a dwelling unit. Student factors shall be based on each district’s record of average
14 actual student generated rates for new developments constructed over a period of not more than five years prior to
15 the date of the fee calculation; provided, that if such information is not available in a district, data from adjacent
16 districts, or districts with similar demographics or county-wide averages may be used. Student factors must be
17 updated on an annual basis, and separately determined for single-family and multifamily dwelling units and for
18 grade spans.

19 X. “Transitional facilities” means those school facilities that are being used pending the construction of permanent
20 facilities; provided, that the necessary financial commitments are in place to construct the permanent facilities.

21 **4.10.030 Exemptions.**

22 The following development activities do not create any additional school impacts and are exempt from the
23 requirements of this chapter:

24 A. Reconstruction, remodeling or construction of the following facilities, subject to the recording of a covenant or
25 recorded declaration of restrictions precluding use of the property for other than the exempt purpose; provided, that
26 if the property is used for a nonexempt purpose, then the school impact fees then in effect shall be paid.

27 1. Shelters or dwelling units for temporary placement, which provide housing to persons on a temporary basis
28 for not more than four weeks;

29 2. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to
30 persons on a temporary basis for not more than 24 months, in connection with job training, self-sufficiency
31 training and human services counseling, the purpose of which is to help persons make the transition from
32 homelessness to placement in permanent housing; and

33 3. Any form of housing for the elderly, including nursing homes, retirement centers, and any type of housing
34 units for persons age 55 and over, which have recorded covenants or recorded declaration of restrictions
35 precluding school-aged children as residents in those units.

36 B. Rebuilding of legally established dwelling unit(s) destroyed or damaged by fire, flood, explosion, act of God or
37 other accident or catastrophe, or remodeling of existing legally established dwelling unit(s); provided, that such
38 rebuilding takes place within a period of one year after destruction, and so long as no additional dwelling units are
39 created.

40 C. Condominium projects in which existing dwelling units are converted into condominium ownership and where no
41 new dwelling units are created.

42 D. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to
43 mitigation of the same system improvement under the State Environmental Policy Act.

E. Any development activity for which school impacts have been mitigated pursuant to a condition of plat approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat approval provides otherwise; provided, that the condition of the plat approval predates the effective date of fee imposition.

F. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the districts to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of fee imposition.

4.10.040 Interlocal agreement between the city and districts.

As a condition of the city's authorization to implement this school impact fee chapter, the city and districts shall enter into interlocal agreements governing the operation of the school impact fee program, and describing the relationship and liabilities of the parties thereunder. The interlocal agreements shall provide for the collection of impact fees by the districts on behalf of the city.

4.10.050 Exemptions – Low-income housing.

For low-income housing exemptions, see Chapter 4.40 EMC.

4.10.060 Submission of each district's capital facilities plan and data.

A. On an annual basis, the districts shall submit the following materials to the city council:

1. Each district's capital facilities plan (as defined in EMC 4.10.020) and adopted by the school board;
2. Each district's enrollment projections over the next six years, its current enrollment and each district's enrollment projections and actual enrollment from the previous year;
3. Each district's standard of service;
4. Each district's overall capacity over the next six years, which shall take into account the available capacity from school facilities planned by each district but not yet built and be a function of each district's standard of service as measured by the number of students which can be housed in each district's facilities; and
5. An inventory of each district's existing facilities.

B. To the extent that each district's standard of service identifies a deficiency in its existing facilities, each district's capital facilities plan must identify the sources of funding other than impact fees for building or acquiring the necessary facilities to serve the existing student population in order to eliminate the deficiencies within a reasonable period of time.

C. Facilities to meet future demand shall be designed to meet the adopted standard of service. If sufficient funding is not projected to be available to fully fund a capital facilities plan which meets the adopted standard of service, each district's capital facilities plan should document the reason for the funding gap, and identify all sources of funding that the district plans to use to meet the adopted standard of service.

D. Each district shall also submit an annual report to the city council showing the capital improvements which were financed in whole or in part by the impact fees.

E. In its development of the financing plan component of the capital facilities plan, each district shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:

1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and
2. Apply to the state for funding, and comply with the state requirements for eligibility to the best of each district's ability.

4.10.070 Annual council review.

On at least an annual basis, the city council shall review the information submitted by each district pursuant to EMC 4.10.060(A). The review shall occur in conjunction with any update of the capital facilities plan element of the city's comprehensive plan.

4.10.080 Impact fee program elements.

A. The city shall impose impact fees on every development activity in the city for which a fee schedule has been established.

B. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development. The impact fee formula shall account in the fee calculation for future revenues each district will receive from the development.

C. The impact fee shall be based on the capital facilities plan developed by each district and approved by the school board, and adopted by reference by the city as part of the capital facilities element of the city's comprehensive plan for the purpose of establishing the fee program.

4.10.090 Fee calculations.

A. The fees set forth in this chapter ~~is~~are based on the ~~formula-calculations~~ contained in ~~the~~ Puyallup, Fife and Sumner-Bonney Lake school districts' ~~respective~~ adopted capital facility plans ~~“impact fee calculation” table.~~

B. ~~Fees charged for accessory dwelling units (ADUs) shall be no greater than 50% of the impact fee that would be imposed on the principal unit. Separate fees shall be calculated for single family and multifamily types of dwelling units, and separate student generation rates must be determined by each district for each type of dwelling unit. For the purpose of this chapter, mobile homes shall be treated as single family dwellings and accessory dwelling units and duplexes shall be treated as multifamily dwellings.~~

C. The fee shall be calculated on a district-wide basis using the appropriate factors and data to be supplied by each district, as required by interlocal agreements. The fee calculations shall also be made on a district-wide basis to assure maximum utilization of all school facilities in each district used currently or within the last two years for instructional purposes.

4.10.100 Fee collection.

At the time of application for a development activity at the city, the school impact fee shall be imposed based on the impact fee schedule. The impact fee shall be collected by each district on behalf of the city, and maintained in separate accounts.

4.10.110 Imposition of impact fees.

A. Impact fees shall be imposed upon development activity in the city as follows:

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTIFAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2016-2017	2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2016-2017	2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$6,670.00	\$3,500.00	\$1,772.00	\$1,772.00
Puyallup	\$8,918.87	\$3,500.00	\$2,010.57	\$2,000.00
Sumner	\$11,851.30	\$3,500.00	\$1,946.16	\$1,946.16

1. Fees are established based on the annual calculation of impact fee need as documented in each school district's adopted capital facilities plan ~~annually, scaled to a cost per square foot of livable space.~~

2. The current school impact fees shall be listed in the city of Edgewood fee schedule.

3. The impact fee adopted represents the fee calculations as presented by the Fife, Puyallup and Sumner-~~Bonney Lake~~ school districts in their adopted capital facilities plans updated annually. Where recommended fees exceed the maximum amount authorized for collection by the city of Edgewood they are shown at the maximum amount allowed.

B. At the time of application for development activity, an applicant will be notified of the requirement to pay school impact fees to each district based on the fee schedule adopted by the city as a part of the impact fee program. Upon receipt of the impact fee payments or a copy of a recorded impact lien in accordance with Chapter 4.05 EMC, each district shall issue a certificate or identifying receipt to the applicant indicating that the school impact fee has been paid or payment has been properly deferred. Prior to approving or permitting any development activities subject to the impact fees adopted pursuant to this chapter, the city shall require that the applicant provide to the city the original of the certificate or receipt issued by the school district or a copy of the impact fee lien recorded pursuant to Chapter 4.05 EMC. Each school district shall develop standardized forms for this purpose, showing that impact fees have been paid to the district or payment has been properly deferred in accordance with Chapter 4.05 EMC, and that the city may proceed to issue the permit or grant the necessary approval. Impact fees may be paid to the district under protest pursuant to the procedures set forth in EMC 4.10.120(I).

C. The city shall not issue a required building permit for any development subject to the imposition of impact fees under this chapter until the impact fees set forth in the impact fee schedule have been paid or payment has been properly deferred in accordance with Chapter 4.05 EMC.

4.10.120 Determination of the fee, adjustments, exceptions and appeals.

A. The city shall determine a developer's impact fee, according to the schedule set forth in EMC 4.10.110(A).

B. Arrangements may be made for later payment of the impact fee with the approval of each district only if the district determines that it will be unable to use or will not need the payment until a later time; provided, that sufficient security, as defined by the district, is provided to assure payment. Security shall be made to and held by the district, which will be responsible for tracking and documenting the security interest.

C. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement.

D. Whenever a developer is granted approval subject to a condition that the developer actually provide a school facility acceptable to the district, the developer shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by this chapter. The cost of construction shall be estimated at the time of approval, but must be documented, and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.

E. The standard impact fees may be adjusted, if one of the following circumstances exist; provided, that the discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

1. The developer demonstrates that an impact fee assessment was improperly calculated; or

2. Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.

F. In cases where a developer requests an independent fee calculation, adjustment exception or a credit pursuant to RCW 82.02.060(3), the city shall consult with the districts and the districts shall advise the city prior to the city making final impact fee determinations.

G. A developer may provide studies and data to demonstrate that any particular factor used by a district may not be appropriately applied to the development proposal.

H. Any appeal of the decision of the city with regard to fee amounts shall follow the process for the appeal of the underlying development application, as set forth in the Edgewood Municipal Code. Any errors in the formula identified as a result of the appeal should be referred to the council for possible modification.

I. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

4.10.130 Impact fee accounts and refunds.

A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by each district solely for the district's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which impact fees were imposed. Annually, the districts, based in part on its report prepared pursuant to EMC 4.10.060, shall prepare a report on the impact fee account showing the source and amount of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees. The districts shall submit a copy of their reports to the city council. The districts shall maintain separate school impact fee accounts pursuant to EMC 4.10.100, and shall prepare a report on the source and amount of all school impact fees collected by the districts on behalf of the city.

B. Impact fees for each district's system improvements shall be expended by the district only in conformance with the capital facilities plan element of the city's comprehensive plan.

C. Impact fees shall be expended or encumbered by the districts for a permissible use within 10 years of receipt by the district, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. Such extraordinary or compelling reasons shall be identified to the city by the district in a written report. The city council shall identify the district's extraordinary and compelling reasons for the fees to be held longer than 10 years in the council's own written findings.

D. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within 10 years of receipt of the funds by any district on school facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. On behalf of the city, the district(s) shall notify potential claimants by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records.

E. An owner's request for a refund must be submitted to the appropriate district in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered by any district in conformance with the capital facilities plan within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.

F. Should the city seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of the refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the district, but must be expended by the district, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. A developer may request and shall receive a refund, including interest earned on the impact fees, when:

1. The developer has not received final plat approval, the building permit, the mobile home permit, the site plan approval, nor final approval for the development activity as required by statute or city code including the International Building Code; and

2. No impact on the district(s) has resulted. "Impact" shall be deemed to include cases where the district(s) have expended or encumbered the impact fees in good faith prior to the application for a refund. In the event

1 that the district(s) have expended or encumbered the fees in good faith, no refund shall be forthcoming.
2 However, if within a period of three years, the same or subsequent owner of the property proceeds with the
3 same or substantially similar development activity, the owner shall be eligible for a credit. The owner must
4 petition the district(s) and provide receipts of impact fees paid by the owner for a development of the same or
5 substantially similar nature on the same property or some portion thereof. The district(s) shall determine
6 whether to grant a credit, and such determinations may be appealed by following the procedures set forth in
7 EMC 4.10.120.

8 H. Interest due upon the refund of impact fees required by this section shall be calculated according to the average
9 rate received by each district on invested funds throughout the period during which the fees were retained.

Chapter 4.20

PARK IMPACT FEES

Sections:

- 4.20.010 Findings and purpose.
- 4.20.020 Definitions.
- 4.20.030 Fee imposed – Applicability.
- 4.20.040 Exemptions.
- 4.20.050 Park impact fee program elements.
- 4.20.060 Fee calculation methods.
- 4.20.070 Fee collection.
- 4.20.080 Fee adjustments.
- 4.20.090 Park impact fee accounts and refunds.
- 4.20.100 Processing.
- 4.20.110 Other authority.
- 4.20.120 Appeals.

4.20.010 Findings and purpose.

The city council of the city of Edgewood finds and determines that growth and development activity in the city will create additional demand and need for park facilities in the city, and the council finds that growth and development activity should pay a proportionate share of the cost of such facilities needed to serve the growth and development activity. Therefore, pursuant to the Growth Management Act (Chapter 36.70A RCW), and RCW 82.02.050 through 82.02.100, which authorize cities to impose and collect impact fees to partially fund public facilities to accommodate new growth, the council adopts this chapter to impose park impact fees for park and recreational facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing park impact fees.

4.20.020 Definitions.

A. Affordable Housing. Housing is considered “affordable” to a family if it costs no more than 30 percent of the family’s income. The income groups that are the focus of affordable housing are the low- and moderate-income families.

1. Low-income group: a family earning between zero and 50 percent of the Pierce County median household income.

2. Moderate-income group: a family earning between 50 percent and 80 percent of the Pierce County median household income. “Median income” means the median income for the Tacoma MSA (Pierce County), as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination.

B. “Capital facilities element” means that capital facilities plan adopted by the city council as part of the city’s comprehensive plan, and its amendments.

C. “Comprehensive plan” means the city of Edgewood comprehensive plan, including any adopted amendments.

D. “Conditions of approval,” as they apply to park impact fee evaluations, means those conditions necessary to ensure that the proposed development will not cause the level of service for parks to fall below the standards adopted in the comprehensive plan. The conditions of approval shall be binding upon the approval of any permit application for which this chapter is applicable as described in EMC 4.20.030.

E. “Development” means any construction, reconstruction or expansion of a building, structure, or use, any change in use of a building or structure or any changes in the use of land, that requires review and approval of a development permit.

F. “Development permit” includes, but is not limited to, a building permit, short plat application, preliminary plat application, or rezone application, or any written authorization from the city which authorizes the commencement of development.

G. *Repealed by Ord. 15-447.*

H. “Financial commitment” means any form of binding and enforceable financial obligation that is acceptable to the city, and provided to the city at the time of development approval.

I. “Park and recreational facilities” means those capital facilities identified as park and recreational facilities in the capital facilities element of the city of Edgewood comprehensive plan.

J. “Park impact fee” means the payment of money imposed upon development as a condition of approval of a development permit to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for facilities, that is a proportionate share of the costs of the facilities, and that is used for facilities that reasonably benefit the new development. “Park impact fee” does not include a reasonable permit or application fee.

K. “Level of service (LOS)” means the relationship between park facilities and service provision within the city, as specified in the city’s comprehensive plan.

L. “Proportionate share” means that portion of the cost of public facility improvements and facilities that are reasonably related to the service demands and needs of new development. The proportionate share will be calculated by the methods required by RCW 82.02.060.

M. “Service area” means the geographical area in which a defined set of park facilities provide service to development within the area. For the purposes of this chapter, the service area shall be the entire area within the city limits of Edgewood.

4.20.030 Fee imposed – Applicability.

A. There is imposed, and shall be collected from every person who receives a development permit, a park impact fee for each dwelling unit based on the average occupancy for each housing type. The amount shall be calculated based on a ~~unit cost of \$1,089 per person; and the total fee based on persons per unit (PPU) scaled to a cost per square foot of livable space,~~ consistent with the provisions of this chapter. ~~and in accordance with the following schedule of fees:~~

Dwelling Unit Type	PPU X \$1,089	Total PIF
Single-Family	2.7 X \$1,089	\$2,940
Multifamily or Accessory Dwelling Unit: 1—4 units	2.0 X \$1,089	\$2,178
Multifamily: 5+ units	1.6 X \$1,089	\$1,742
Mobile Homes	2.0 X \$1,089	\$2,178

B. The current park impact fees shall be listed in the city of Edgewood fee schedule.

C. Fees charged for accessory dwelling units (ADUs) shall be no greater than 50% of the impact fee that would be imposed on the principal unit.

4.20.040 Exemptions.

The following developments are exempt from the requirements of this chapter:

A. Low-Income Housing. For low-income housing exemptions, see Chapter 4.40 EMC.

1 B. Change of Use. An applicant proposing a development involving a change of use and/or structure that has no
2 greater impact than the existing use shall not be assessed a park impact fee.

3 C. City Projects. An applicant proposing the development of a city project shall not be assessed a park impact fee.

4 D. Home Occupations. An applicant proposing the development of a home occupation shall not be assessed a park
5 impact fee.

6 E. Pending Development Permit. An applicant shall not be assessed a park impact fee if one or more of the
7 following has occurred:

8 1. The city and applicant have signed a park mitigation agreement for the development at issue prior to the
9 effective date of the ordinance codified in this chapter; or

10 2. The applicant has already provided, or been required to provide as a condition of approval, park mitigation
11 for the development at issue prior to the effective date of the ordinance codified in this chapter; or

12 3. The applicant has already been assessed a park impact fee for the same development.

13 **4.20.050 Park impact fee program elements.**

14 A. The city shall impose and collect park impact fees on every development permit within the service area, except as
15 provided in EMC 4.20.040, Exemptions.

16 B. Any park impact fee imposed shall be reasonably related to the impact caused by the new development and shall
17 not exceed a proportionate share of the cost of park and recreational facilities that are reasonably related to the new
18 development.

19 C. The park impact fee imposed may include costs for park and recreational facility improvements previously
20 incurred by the city to the extent that new development will be served by the previously constructed improvements;
21 provided, that such fee shall not be imposed to correct any system improvement deficiencies.

22 D. The park impact fee imposed for any development shall be calculated and determined by the procedures
23 established in this chapter. The basis for such calculation shall be the November 2012 “Technical Memorandum to
24 Council – Preliminary Recommendations – Park Impact Fees,” which is hereby adopted by reference.

25 E. In computing the fee applicable to a given development, credit shall be given for the fair market value, measured
26 at the time of dedication, for any dedication of land for, improvements to, or new construction of any park and
27 recreational facilities that are identified in the capital facilities element and that are required by the city as a
28 condition of approving the development.

29 F. Park impact fees shall be used for park and recreational facilities that will reasonably benefit the new
30 development, and only those park and recreational facilities addressed by the city’s capital facilities element of the
31 comprehensive plan.

32 **4.20.060 Fee calculation methods.**

33 All data and other information necessary to determine impact fee amounts will be made available to the public upon
34 request. Data such as park needs, and facility improvement projects and costs, and related fee schedules will be
35 updated as necessary. Forms and procedures will be established administratively.

36 **4.20.070 Fee collection.**

37 At the time of application for a building permit, the park impact fee shall be calculated based on the park impact fee
38 schedule and as set forth in EMC 4.20.030. No building permit shall be issued until the impact fee has been paid in
39 full by the applicant or payment has been properly deferred in accordance with Chapter 4.05 EMC; provided, that
40 payment of fees may be phased if the building permits for the development are also phased. The park impact fee
41 shall be collected by the city, and maintained in a separate account, as required by EMC 4.20.090. Park impact fees
42 may be paid under protest in order to obtain a building permit.

4.20.080 Fee adjustments.

A. Fees calculated by the city may be adjusted by the mayor, in any of the following circumstances:

1. The applicant demonstrates that a park impact fee assessment was improperly calculated; or
2. The applicant provides studies and data that, when considered, suggest that adjustment of the fee would be appropriate; or
3. Unusual circumstances exist which, when considered, suggest that imposition of the standard fee would be unfair.

B. Any appeal of the decision of the city with regard to park impact fee amounts shall follow the process for the appeal of the underlying development permit.

4.20.090 Park impact fee accounts and refunds.

A. Park impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the city solely for park impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which said fees were imposed. Annually, the city shall prepare a report on the source and amount of all park impact fees collected, interest earned, and the park and recreational facilities that were financed in whole or in part by said fees.

B. Park impact fees shall be expended by the city only in conformance with the capital facilities element of the comprehensive plan.

C. Park impact fees shall be expended or encumbered by the city for a permissible use within 10 years of receipt by the city, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. Such extraordinary or compelling reasons shall be identified in written findings by the city.

D. The current owner of property on which a park impact fee has been paid may receive a refund of such fees if the city fails to expend or encumber the fees within 10 years of receipt of the fees by the city on park facilities intended to benefit the development for which said fees were paid. In determining whether park impact fees have been encumbered, such fees shall be considered encumbered on a first-in, first-out basis. The city shall notify potential claimants by first-class mail deposited with the United States Postal Service at the last known address of the claimants.

E. An owner's request for a refund must be submitted to the city in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any park impact fees that are not expended or encumbered by the city in conformance with the capital facilities element within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of park impact fees shall include interest earned on such fees.

F. Should the city seek to terminate any or all park impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, and must be expended by the city consistent with the provisions of this chapter. The notice requirements set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. An applicant may request and shall receive a refund, including interest earned on the park impact fees, when:

1. The applicant does not proceed to finalize the development; and
2. No impact on the city has resulted. "Impact" shall be deemed to include cases where the city has expended or encumbered the park impact fees in good faith prior to the application for refund. In the event that the city has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, within a period of three years, if the same or subsequent owner of the property proceeds with the same or substantially similar

development activity, the owner shall be eligible for a credit. The owner must petition the city and provide receipts of park impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The city shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in EMC 4.20.120.

H. Interest due upon the refund of park impact fees required by this chapter shall be calculated according to the average rate received by the city on invested funds throughout the period during which the fees were retained.

4.20.100 Processing.

The city shall determine any applicable park impact fees as a normal part of processing a development permit.

4.20.110 Other authority.

Nothing in this chapter is intended to limit the city's authority under the State Environmental Policy Act or any other source.

4.20.120 Appeals.

Any determination of the park impact fee amount, decision to approve, condition or deny a development proposal based on the requirements of this chapter may be appealed according to the appeal procedure for the underlying development permit or approval involved, as set forth in the Edgewood Municipal Code. An applicant for a development permit may pay the park impact fees imposed by this chapter under protest in order to obtain the approval for the development and/or development permit. No appeal shall be permitted unless and until the park impact fees at issue have been paid.

Chapter 4.30

TRAFFIC IMPACT FEES

Sections:

- 4.30.010 Purpose.
- 4.30.020 Authority.
- 4.30.030 Definitions.
- 4.30.040 Applicability.
- 4.30.050 Exemptions.
- 4.30.055 Additional exemptions.
- 4.30.060 Service area.
- 4.30.070 Use of funds.
- 4.30.075 Project list.
- 4.30.080 Impact fee determination and collection.
- 4.30.090 Impact fee adjustments, independent calculations.
- 4.30.100 Impact fee credits.
- 4.30.110 Impact fee refunds.
- 4.30.120 Appeals and payments under protest.
- 4.30.130 Council review of impact fees.
- 4.30.135 Funding of projects.
- 4.30.140 Administrative fees.
- 4.30.150 Impact fee calculations.
- 4.30.160 Schedule of fees.
- 4.30.170 Existing authority unimpaired.
- 4.30.180 Severability.
- 4.30.190 *Repealed.*

4.30.010 Purpose.

This chapter is intended to:

- A. Assist in the implementation of the comprehensive plan for the city of Edgewood.
- B. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use, or shortly thereafter, without decreasing current service levels below established minimum standards for the city.
- C. Establish standards and procedures so that new development pays a proportionate share of costs for new facilities and services and does not pay arbitrary or duplicative fees for the same impact.

4.30.020 Authority.

A. This chapter is enacted pursuant to the Washington State Growth Management Act codified at Chapter 36.70A RCW and RCW 82.02.050 through 82.02.100.

B. The city has conducted studies documenting cost and demand for new facilities and services.

4.30.030 Definitions.

A. "Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.

B. "Encumber" means to transfer impact fee dollars from the traffic mitigation impact fee fund to a fund for a particular system improvement that is fully in the current year's budget. Funds may only be encumbered by an action of the city council.

C. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of

the project, and are not system improvements. No improvement or facility included in the city's capital improvement plan or transportation improvement program approved by the city council shall be considered a project improvement.

D. "System improvements" means transportation facilities that are included in the city's six-year capital improvement plan and are designed to provide service to the community at large, in contrast to project improvements.

E. "Applicant" means a person, individual, or organization seeking permission to develop land within the city of Edgewood by applying for a building permit.

F. "Interest" means the interest earned by the account during the period the fees were retained.

G. "Traffic mitigation impact fee" means payment of money imposed by the city of Edgewood upon development activity pursuant to this chapter as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. Traffic mitigation impact fees do not include permit fees, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal.

H. "Peak hour" means the consecutive 60-minute period during the 4:00 p.m. to 6:00 p.m. peak period during which the highest volume occurs.

I. "Traffic mitigation impact fee fund" means the fund established by the adoption of Ordinance 05-253 on August 23, 2005, for the public facilities for which traffic impact fees are collected, in compliance with the requirements of RCW 82.02.060.

J. "Traffic impact fee study" means the study which determined the traffic mitigation impact fee dated October 2016.

K. "Transportation improvement plan" means a schedule of intended transportation improvements.

4.30.040 Applicability.

All persons receiving building permits, including remodels or expansions, within the city of Edgewood after the effective date of the ordinance codified in this chapter shall be required to pay traffic mitigation impact fees in an amount and manner set forth in this chapter.

4.30.050 Exemptions.

The following development activities are exempt from paying traffic mitigation impact fees because they do not have a measurable impact on the city's transportation facilities, or because the city has chosen to exempt them, pursuant to RCW 82.02.060(2), as development with broad public purposes:

A. Existing Dwelling Unit. Any alteration, expansion, reconstruction, remodeling, replacement, or demolition/removal of an existing single-family or multifamily dwelling unit that does not result in the generation of additional peak hour trips with the exception that any building permit for replacement must be approved within 12 months of removal of the previous structure.

B. Existing Nonresidential Building. Any alteration, reconstruction, remodeling, replacement, or demolition/removal of an existing nonresidential building that does not result in the generation of any new peak hour trips with the exception that any building permit for replacement must be approved within 12 months of removal of the previous structure.

C. The mayor or designee shall be authorized to determine whether a particular development activity falls within an exemption from traffic mitigation impact fees identified in this section or under other applicable law. Determinations of the mayor or designee shall be in writing and shall be subject to appeal to the hearing examiner as provided in Chapter 2.40 EMC.

4.30.055 Additional exemptions.

Reserved.

4.30.060 Service area.

This section establishes one service area which shall be consistent with the city limits of the city of Edgewood, in accordance with RCW 82.02.060(7).

4.30.070 Use of funds.

A. Impact fees shall:

1. Be used for system improvements; and
2. Not be imposed to make up for deficiencies in the facilities serving existing development; and
3. Not be used for maintenance or operation.

B. Impact fees may be spent for improvements listed in the six-year transportation improvement program and identified as being funded in part by impact fees. Expenditures may include, but are not limited to, facility planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, permitting, financing, grant match funds and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to public facilities, and any other capital cost related to a particular system improvement.

C. Impact fees may also be used to recoup transportation facility improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously acquired or constructed improvements resulting in such costs.

D. In the event that bonds or similar debt instruments are or have been issued for the construction of a public facility or system improvement for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this chapter and are used to serve new development. The transportation improvement program should distinguish between facilities and funds needed to serve new development and those facilities and funds needed to correct existing deficiencies.

4.30.075 Project list.

A. The director shall annually review the city's six-year road plan and shall:

1. Identify each project in the comprehensive plan that is growth-related and the proportion of each such project that is growth-related;
2. Forecast the total money available from taxes and other public sources for transportation improvements for the next six years;
3. Update the population, building activity and demand and supply data for transportation facilities and the impact fee schedule for the next six-year period;
4. Calculate the amount of impact fees already paid;
5. Identify those comprehensive plan projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The director shall use this information to prepare an annual draft amendment to the project list and to the fee schedule adopted pursuant to this chapter, which shall comprise:

1. The projects in the comprehensive plan that are growth-related and that should be funded with forecast public monies and the impact fees already paid; and
2. The projects in the comprehensive plan that are growth-related and that should be funded with forecast public monies and the impact fees already paid; and
3. The projects already built or funded pursuant to this chapter whose performance capacity has not been fully utilized.

C. The city council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall, by separate ordinance, establish the annual project list by adopting, with or without modification, the director's draft amendment.

D. Once a project is integrated into the project list and fee schedule, a fee shall be imposed on every development until the project is removed from the project list by one of the following means:

1. The city council by ordinance removes the project from the project list, in which case the fees already collected will be refunded if necessary to ensure that impact fees remain reasonably related to transportation impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same transportation impacts; or

2. The capacity created by the project has been fully utilized, in which case the director shall remove the project from the project list.

4.30.080 Impact fee determination and collection.

A. At the time of building permit issuance, city staff shall determine the total impact fee owed based on the fee schedule in effect at the time of such issuance, in accordance with EMC 4.30.160.

B. Factors Used in Impact Fee Calculations. The calculation of impact fees shall include the factors identified in RCW 82.02.040 through 82.02.070 and shall:

1. Determine the standard fee for similar types of development, which shall be reasonably related to each development's proportionate share of the cost of projects described in the project list for each type of impact fee.

2. Reduce the proportionate share by applying the benefit factors described in EMC 4.30.100.

C. Proportionate Share. In calculating proportionate share, the following factors shall be considered:

1. Identification of all transportation facilities that will be impacted by users from development;

2. Identification of the point at which the capacity of a transportation facility has been fully utilized;

3. Updating of the data as often as practicable, but at least annually;

4. Estimation of the cost of construction of the projects in the transportation improvement program (TIP) for roads at the time they are placed on the list and to then update the cost estimates at least annually, considering the:

a. Availability of other means of funding transportation facilities;

b. Cost of existing transportation facility improvements;

c. Methods by which transportation facility improvements were financed; and

d. An adjustment to the cost of the transportation facilities for past or future payments or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes or other payments earmarked for or proratable to the particular system improvement.

D. Impact fee collection shall also occur at the time of building permit issuance unless payment has been properly deferred in accordance with Chapter 4.05 EMC.

E. An applicant may request that the impact fee be calculated in advance of building permit issuance, but any such advance calculation shall not be binding upon the city and should only be used as guidance by the applicant. If the city council revises the impact fee formula or the impact fees prior to the time that a building permit is issued for a

particular development, the formula or fee amount in effect at the time of building permit issuance shall apply to the development.

4.30.090 Impact fee adjustments, independent calculations.

An applicant may request an adjustment to the impact fees determined, in accordance with RCW 82.02.060(6), according to the fee schedule adopted pursuant to this chapter, by preparing and submitting to the mayor or designee an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. Independent fee calculations for traffic impact fees shall use the same formulas and methodology used to establish the impact fees in this chapter and shall be limited to adjustments in trip generation rates used in the traffic impact fee study, and shall not include travel demand forecasts, trip distribution, traffic assignment, transportation service areas, costs of road projects, or cost allocation procedures.

A. If the mayor or designee agrees with the independent fee calculation, a written agreement to accept such amount shall be transmitted to the applicant who shall, in turn, present it to the city upon impact fee collection.

B. If the mayor or designee does not agree with the independent fee calculation, the fee payer may appeal this decision to the hearing examiner through procedures outlined in Chapter 2.40 EMC.

4.30.100 Impact fee credits.

A. An applicant shall be entitled to a credit against the applicable traffic impact fee collected, in accordance with RCW 82.02.060(4), under the fee schedule adopted pursuant to this chapter for the value of any dedication of land for, improvement to, or new construction of, any system improvements provided by the applicant, to facilities that are:

1. Included within the six-year transportation improvement program and identified as system improvements that are to be funded in part by traffic impact fees; and

2. At suitable sites and constructed at an acceptable quality as determined by the city; and

3. Completed, dedicated, or otherwise transferred to the city prior to the determination and award of a credit as set forth in this section.

B. No credit shall be given for project improvements.

C. The value of a credit for improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is charged.

D. The value of a credit for land shall be established on a case-by-case basis by an appraiser selected by, or acceptable to, the city. The appraiser must be licensed and in good standing with the state of Washington for the category of the property appraised. The appraisal shall be in accordance with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the city. The appraisal and review shall be at the expense of the applicant.

E. Whenever a development is granted approval subject to a condition the system improvements that are identified in the six-year transportation improvement program be constructed or provided, or whenever the applicant has agreed, pursuant to the terms of a voluntary agreement with the city of Edgewood, to donate or dedicate land for road facilities that are identified in the six-year transportation improvement program, and which are included in the list of road projects that are used to determine the traffic impact fee, as listed in the traffic impact fee study, the applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided. The land value or costs of construction shall be determined pursuant to this section.

F. This subsection applies only to residential developments and the residential portion of a mixed use development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be determined on a per dwelling unit basis, the city shall take the total credit amount available to the entire plat or project, calculated by applying subsections (A) through (E) of this section, and divide that amount by the number of

dwelling units approved for that plat or project. The impact fee and credit may then be calculated and collected on a per dwelling unit basis as building permits are issued for those dwelling units. Where building permits for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in this chapter becomes effective, the credit for the unpermitted dwelling units will be calculated to arrive at a per dwelling unit amount in the same manner. For example, if a plat has been approved for 20 dwelling units, and building permits have only been issued for 10 of those units, the per dwelling unit credit for the remaining 10 units will equal the total credit amount divided by 20 dwelling units.

G. This subsection applies to nonresidential developments, or the nonresidential portion of a mixed use development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be determined on a per square foot basis, the city shall take the total credit amount available to the entire plat or project, calculated by applying subsections (A) through (C) of this section, and divide that amount by the number of square feet approved for that plat or project. The impact fee and credit may then be calculated and collected on a per square foot basis as building permits are issued for that square footage. Where building permits for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in this chapter becomes effective, the credit for the unpermitted square footage will be calculated to arrive at a per square footage amount in the same manner. For example, if a 20,000 square foot commercial project has been approved, and building permits have only been issued for 10,000 square feet of the project, the per square foot credit for the remaining 10,000 square feet will equal the total credit amount divided by 20,000 square feet.

H. Pursuant to and consistent with the requirements of RCW 82.02.060(1)(b), impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development.

I. After receiving the receipts for improvements, the appraisal of land value, the receipts and calculations of prior payments earmarked or pro-ratable to the same system improvements for which the impact fee is imposed, the mayor or designee shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter indicating their agreement to the terms of the letter and return such signed document to the city before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

J. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, no further sums shall be due from the applicant.

K. A claim for credit will be processed by the city using whichever of the following options is selected by the applicant:

1. Claims for credits that are submitted prior to, or with, an application for a building permit for which an impact fee will be due will be processed by the city before payment of the impact fee is due in order to allow any credit authorized by the city to reduce the amount of the impact fee; or

2. Claims for credits that are submitted no later than 30 days after the issuance of a building permit for which an impact fee is due shall be processed by the city after the impact fee is paid in full, and any credit authorized by the city will be refunded to the applicant within 90 days of receipt of the claim for credit.

L. Claims for credits that are submitted more than six months after the issuance of a building permit for which an impact fee is due are deemed to be waived and shall be denied.

M. Determinations made by the mayor or designee pursuant to this section shall be subject to appeal to the examiner subject to the procedures set forth in Chapter 2.40 EMC.

4.30.110 Impact fee refunds.

A. The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within 10 years of their receipt by the city. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall provide for the refund of fees according to the requirements of this section and RCW 82.02.080. An owner's request for a refund must be submitted to the mayor or designee in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later.

C. Any impact fees that are not expended or encumbered within 10 years of their receipt by the city, and for which no application for a refund has been made within this one-year period, shall be retained by the city and expended consistent with the provisions of this chapter.

D. Refunds of impact fees shall include any interest earned on the impact fees.

E. Should the city seek to terminate all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the finding that all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the Pierce County tax records. All funds available for refund shall be retained for a period of one year. At the end of the one-year period, any remaining funds shall be retained by the city, but must be expended for the original purposes, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

F. An applicant may request and receive a refund, including interest earned on the impact fee, when:

1. The applicant does not proceed to finalize the development activity as required by statute or city code or the International Building Code; and

2. The city has not expended or encumbered the impact fees prior to the application for a refund. In the event that the city has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if, within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit against any then-existing traffic impact fee requirement. The owner must petition the city in writing and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The city shall determine whether to grant a credit and such determinations may be appealed by following the procedures set forth in this chapter.

4.30.120 Appeals and payments under protest.

A. This subsection applies when an applicant seeks a building permit to construct a portion of a development that has already been reviewed and approved, in other respects, pursuant to procedures that comply with Chapter 2.40 EMC. An example of this circumstance would be an application for a permit to build one house in a large subdivision that was previously approved. In this case, any appeal of the decision of the city with regard to the imposition of an impact fee or the amount of any impact fees, impact fee credit, or impact fee refund may be taken before the hearing examiner pursuant to Chapter 2.40 EMC in conjunction with an appeal of the underlying building permit.

B. This subsection applies when an applicant seeks a building permit in conjunction with other development approvals that may be subject to an open record hearing and closed record appeal pursuant to procedures that comply with Chapter 2.40 EMC. An example of this circumstance would be an application for a short plat and building permit to build a new office park. In this case, any appeal of the decision of the city with regard to the imposition of an impact fee or the amount of any impact fees, impact fee credit, or impact fee refund must be made according to the process outlined for and in conjunction with the underlying development approval.

C. Any applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

D. Only the applicant has standing to appeal impact fee matters.

4.30.130 Council review of impact fees.

A. The impact fee schedule adopted pursuant to this chapter shall be reviewed by the city council, as it deems necessary and appropriate, in conjunction with the update of the city's transportation improvement program. Amendments or updates to the impact fee schedule shall be adopted by ordinance.

B. Notwithstanding subsection (A) of this section, the impact fee schedule shall be automatically updated for inflation annually using the following procedures:

1. The public works director shall use the Construction Cost Index for Seattle (June-June) published by the Engineering News-Record to calculate annual inflation adjustments in the impact fee schedule. The impact fee schedule shall not be adjusted for inflation if the index remains unchanged.

2. The indexed impact fee schedule shall be effective January 1st beginning in 2023, and on January 1st of each year thereafter. A copy of the indexed impact fee schedule shall be provided to the city council each October, but the indexed impact fee schedule shall become effective without further council action.

4.30.135 Funding of projects.

A. An impact fee fund is hereby created for transportation impact fees. Separate accounts shall be established for each fee type. The city's finance director shall be the manager of the city's fund. The city shall place transportation impact fees in appropriate deposit accounts within the impact fee fund.

B. The transportation impact fees paid to the city shall be held and disbursed as follows:

1. The fees collected for each project shall be placed in a deposit account within the impact fee fund, with the exception of school impact fees, which shall be collected by the school district;

2. When the council appropriates TIP funds for a transportation project on the project list, the transportation fees held in the impact fee fund shall be transferred to the TIP fund. The nonimpact fee monies appropriated for the project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in transportation impact fees;

3. The first money spent by the director on a project after a council appropriation shall be deemed to be the fees from the impact fee fund;

4. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the funds advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other projects;

5. All interest earned on impact fees paid shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

C. Projects shall be funded by a balance between impact fees and public funds, and shall not be funded solely by impact fees.

D. Impact fees shall be expended or encumbered for a permissible use for 10 years after receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. The director may recommend to the council that the city hold transportation fees beyond 10 years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

4.30.140 Administrative fees.

A. The cost of administering the traffic impact fee program shall also include an amount equal to five percent of the amount of the total traffic impact fee determined from the fee schedules. The administrative fee shall be deposited into an administrative fee account within the traffic mitigation impact fee fund. Administrative fees shall be used to defray the cost incurred by the city in the administration and update of the traffic impact fee program, including, but not limited to, review of independent fee calculations and the value of credits. The administrative fee is not creditable or refundable.

B. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the city at the same time as the impact fee.

4.30.150 Impact fee calculations.

The traffic impact fee shall be calculated using a schedule that identifies a particular fee amount for a particular type of development, as supported by and consistent with the City of Edgewood Transportation Impact Fee Program Report dated October 2016, and any adopted updates or amendments thereto. Accessory dwelling units (ADUs) shall be calculated using ITE number 220, Apartment customer type, and the resulting fee shall be no greater than 50% of the impact fee that would be imposed on the principal unit.

4.30.160 Schedule of fees.

A traffic impact fee shall be assessed against all new development in the Transportation Impact Fee Schedule, adopted pursuant to this chapter. This fee schedule represents the city's determination of the appropriate share of system improvement costs to be paid by new growth and development. The current transportation impact fees shall be listed in the city of Edgewood fee schedule.

4.30.170 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW.

4.30.180 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 07-282 § 1).

4.30.190 Effective date.

Repealed by Ord. 21-608.

Chapter 4.40

IMPACT FEE EXEMPTIONS FOR LOW-INCOME HOUSING

Sections:

4.40.010 Applicability.

4.40.020 Low-income housing exempted.

4.40.010 Applicability.

This chapter shall apply to all impact fees charged by the city of Edgewood, without restriction as to type (i.e., school, transportation, fire, or park).

4.40.020 Low-income housing exempted.

A. For the purposes of this section, “low-income housing” shall have the same meaning as that provided within RCW 82.02.060 or as hereafter amended.

B. The city hereby exempts low-income housing from 80 percent of the impact fees that would ordinarily be due. In order to qualify for this exemption, the developer must record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion. Such covenant must be in a form acceptable to the city attorney.

C. Any claim or request for an exemption under this section shall be made no later than the time of application for a building permit. If a building permit is not required for the development, then the claim shall be made when the first development permit is applied for. Any claim not made when required by this section shall be deemed waived.